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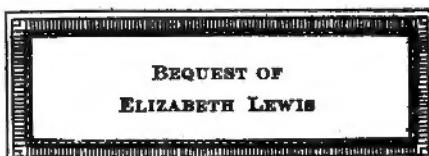
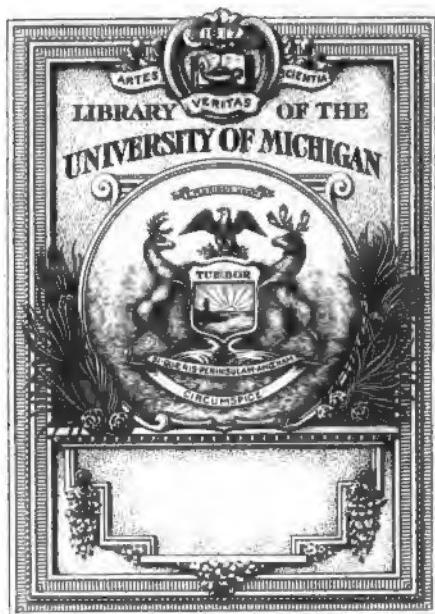
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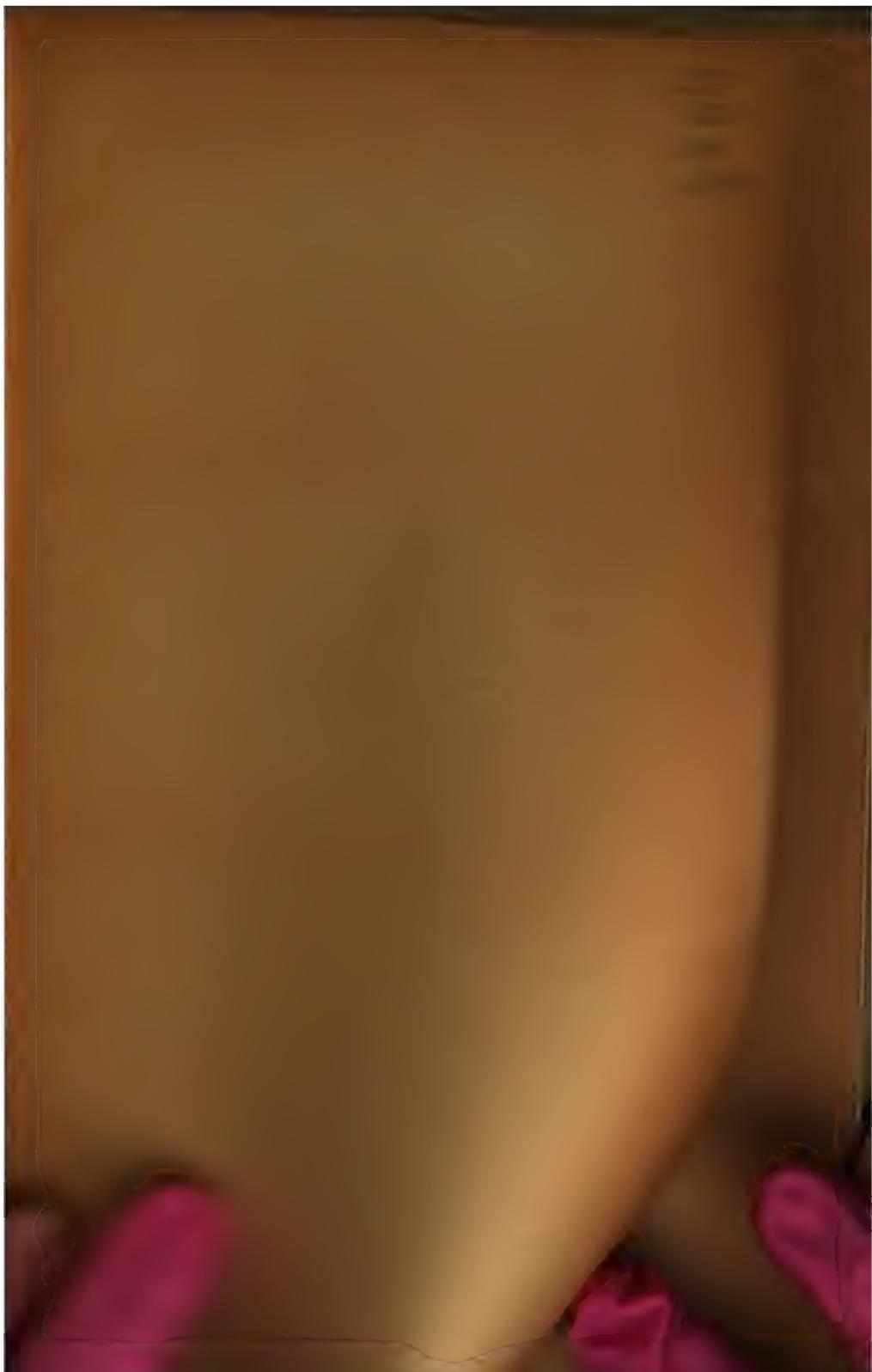
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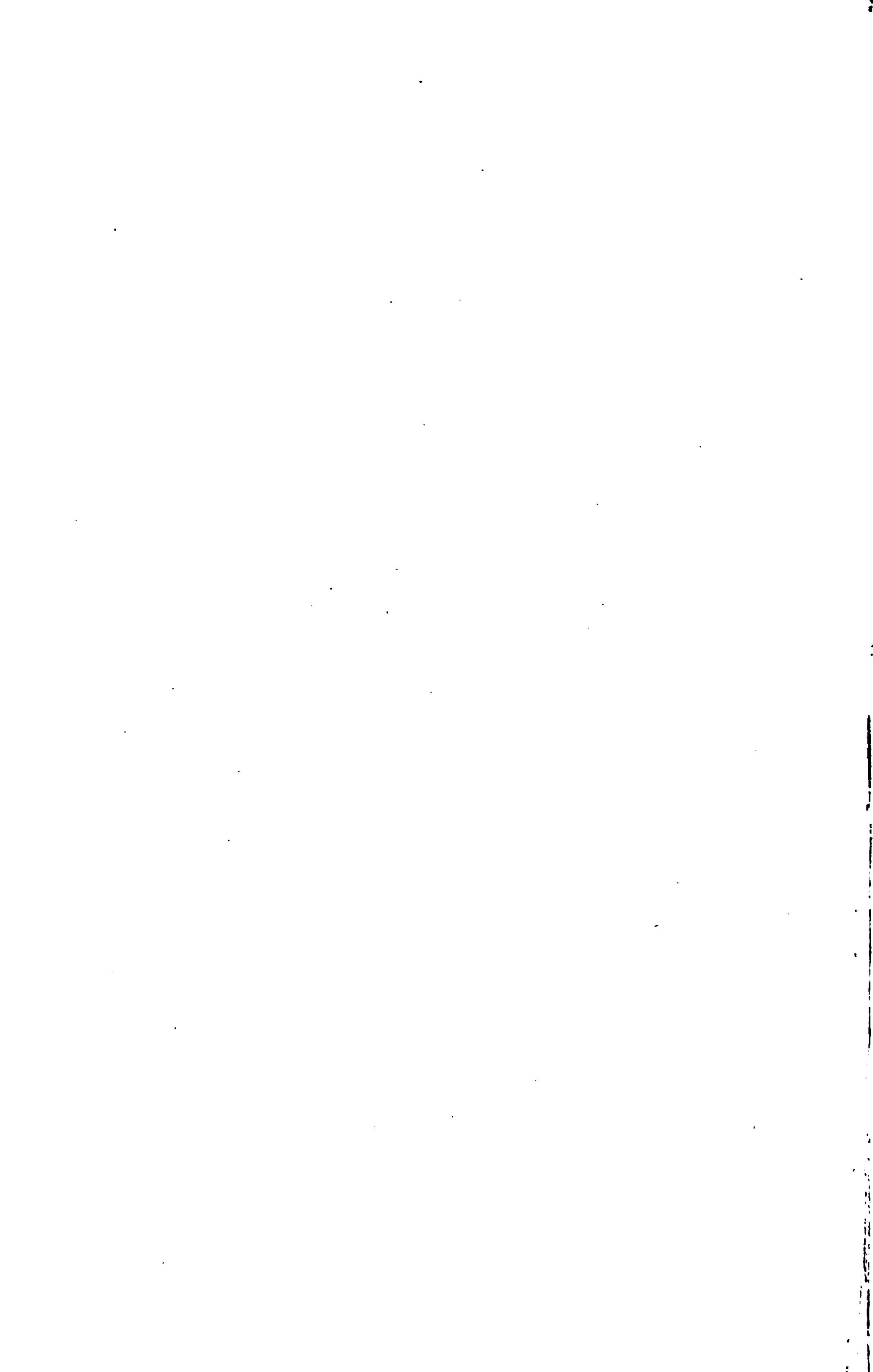
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**RECORDS OF THE CAPE COLONY.**



*Cape of Good Hope*

# RECORDS

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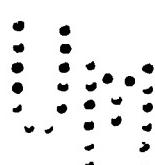
# CAPE COLONY

*From JUNE to SEPTEMBER 1826.*

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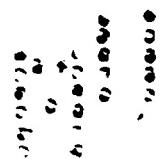
GEORGE M<sup>C</sup>CALL THEAL, D.LIT., LL.D.,  
COLONIAL HISTORIOGRAPHER.



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# RECORDS OF THE CAPE COLONY.

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[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE,  
CAPE TOWN, June 22nd 1826.

MY LORD,—With reference to the latter part of your Lordship's despatch of the 20th February last addressed to Lord C. Somerset proposing that an Ordinance should be promulgated for levying a tax upon slaves, I beg leave to submit the following statement.

I was aware previously to the receipt of Your Lordship's despatch, from communications made to Lord C. Somerset and to me by His Majesty's Commissioners of Enquiry, that the proposed tax on Slaves made part of a general arrangement for the financial concerns of this Colony which the Commissioners intended to recommend to Your Lordship's consideration. I was aware by that arrangement was contemplated the removal of several taxes considered by the Commissioners as inexpedient or oppressive, and that upon the whole they imagined the proposed alterations would not impose much additional burden on the People. I therefore thought it right to communicate to them Your Lordship's instruction, requesting them at the same time to acquaint me with the nature and amount of the taxes proposed to be taken off, and expressing my opinion of the inexpediency of laying on at this period of commercial distress and actual scarcity of food, any additional taxation without the relief proposed to accompany it. The Commissioners have in consequence communicated to me the details of this proposed arrangement

which they hope to transmit to Your Lordship without much more delay ; and as these are of a very extended kind, and embrace many objects of taxation and propose many remissions, I have ventured to defer the imposition of the proposed tax on Slaves until the whole system of finance shall have been decided on by your Lordship. The Commissioners have informed me that in communicating to Your Lordship their intention of proposing a tax on Slaves, they had for the present no other object in view than to prevent the introduction into the Ordinance for improving the condition of Slaves any enactment which might militate against, or diminish, the product of the intended tax.

It would not be proper in this place to make any observation on the project of the Commissioners which cannot I understand be forwarded to Your Lordship by this Mail. I shall have occasion to address them on the subject, and will then have the honor of submitting to Your Lordship what occurs to me on this important topic. The proposed arrangement, if forwarded to England by the next opportunity, may arrive in time to enable me to receive Your Lordship's commands by the beginning of next year, which will be the proper time for the adoption of any new system of finance, as it has been the practice in the Country Districts of this Colony to collect the taxes for the current year in the months of March and April. In the mean time I hope to be able to provide for the Service of the Colony without any increased demand on the British Treasury.

Your Lordship having in your despatch of the 15th October 1825 recommended the abolition of the Wine Taster's office if it could be accomplished without too great a sacrifice of revenue, and finding also that the Commissioners propose to repeal the duty, and further, as the period for sending the new stock of Wine into Cape Town and necessarily for shipping a large portion of the old, commences in October, I intend to propose to Council at once to get rid of this very unpopular establishment and to repeal the wine tasting duty from the 1st July next. To meet the loss of revenue that this will occasion I have made reductions to the amount of about £550 per annum at some of the Bays and Rivers—Plettenberg's Bay, Mossel Bay, Knysna, Saldanha Bay—where there were

establishments producing no revenue and rendering little or no public service. I have had the less difficulty in making these reductions, as if it should at any time be thought advisable to restore these establishments to their former footing, it can be accomplished without any extra expense. I hope also by inspecting narrowly the expenditure of the Department for Works and Buildings to effect some further diminution of expense ; but I am bound to represent to Your Lordship my entire conviction that the resources of the Colony are inadequate to the support of its present expensive military establishment and that it will be imperative to adopt some speedy measure either for its diminution, as will be proposed by the Commissioners, or for placing the whole of the charge on the Military Chest. I have &c.

(Signed) RICHD. BOURKE.

---

[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, June 22nd 1826.

MY LORD,—I have the honor to submit to Your Lordship the arrangements made for carrying into effect the provisions of the Ordinance for improving the condition of Slaves in this Colony. I have appointed until His Majesty's pleasure is known, the former Registrar, George J. Rogers, Esqre., to be Registrar and Guardian, and having consulted with His Majesty's Commissioners of Inquiry, I propose that his Salary should be fixed at five hundred pounds per annum. I shall be able to establish the Registrar in his office at this rate without making any additional demand on the Colonial treasury by means of the following arrangements. Mr. Rogers holds with his employment of Registrar at £375 per annum, the office of Translator to the *Government Gazette* at £150. This latter employment (the duties of which are discharged by Deputy) is to be transferred to the Deputy or some other competent person at £52 per annum, and I have found in the *Gazette* office the means of further reduction more

than sufficient to meet the encreased salary of the Registrar together with that of the Translator. There is an Editor of the *Cape Gazette* receiving for himself and amanuensis £112 10s. per annum. The burden of this employment I have transferred to the Superintendent of the printing office, Mr. George Marsh, with an addition of fifty pounds per annum to his present salary, and I have no doubt he will have full leisure to perform its duties. By these arrangements there will be a small saving to the public of £35 10s. per annum.

I should add that the person to be displaced is a Deputy Assistant Commissary General on this station, and is therefore not entitled to any compensation, nor can he have any well founded claim for further employment in the civil service of the Colony. These arrangements will take place from the 1st July next.

In the Registrar's office I have reduced the number of Clerks to three, but have encreased their salaries by dividing amongst these three the greater part of the income of five, a small saving being made to the public of £56 5s. per annum.

In concurrence with the opinion of the Commissioners of Inquiry I propose in those offices which it may be my duty to recast to diminish as much as possible the number of persons, but assigning to them Salaries calculated upon the present value of the currency, the former salaries, payable in Rixdollars (now at 1s. 6d. each), being in truth quite too low in most cases.

I have &c.

(Signed) RICHD. BOURKE.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to DR. JAMES BARRY.*

DOWNING STREET, 22 June 1826.

SIR,—Earl Bathurst having had under his consideration a report which has been addressed to his Lordship by His Majesty's Commissioners of Enquiry upon the subject matter of the letter which you have forwarded to his Lordship under

date of the 6th of December last, I have received his Lordship's directions to acquaint you in reply that he sees no reason to doubt the propriety of the arrangement which has recently been made by the Governor of the Cape for vesting in a Medical Board the execution of the duties which had previously been assigned to the Colonial Medical Inspector. I am &c.

(Signed) R. W. HAY.

---

[Original.]

*Letter from LIEUTENANT T. C. WHITE to R. W. HAY, ESQRE.*

LONDON, June 22, 1826.

Mr. White begs the honor of an audience on the subject of certain claims which he submitted to the Commissioners of Inquiry at the Cape of Good Hope in the beginning of 1824.

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[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, June 23rd 1826.

MY LORD,—I have the honor to inform Your Lordship that there are now in confinement at Robben Island in Table Bay eight Persons natives of England or Ireland sentenced by the Courts of this Colony to transportation to New South Wales, and I have to request Your Lordship may be pleased to direct a Convict Ship to call here to take these Persons off.

I have &c.

(Signed) RICHD. BOURKE.

---

[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 24 June 1826.

SIR,—I have to acknowledge the receipt of your dispatch No. 6 under date of the 2nd of April last, and to acquaint you in reply, that under present circumstances, I am not prepared to recommend to the Board of Treasury to provide funds for completing the survey of the Colony. I have &c.

(Signed)      BATHURST.

---

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.*

DOWNING STREET, 24 June 1826.

MY LORD,—I am directed by Earl Bathurst to transmit to your Lordship herewith enclosed a communication which has been received from Lieutenant White, a Settler who emigrated to the Cape of Good Hope in the year 1819, praying to be indemnified for certain losses sustained by him in consequence of the non-extension of the Grant of Land which had been assigned to him.

I likewise enclose a Report which has been received from His Majesty's Commissioners of Enquiry, on the merits of the claim advanced by Lieutenant White; and I am to request that you will furnish Earl Bathurst with any remarks which you may wish to offer on the subject of this application, and also with your opinion as to the propriety of adopting the course recommended by the Commissioners for the adjustment of Lieutenant White's claim. I have &c.

(Signed)      R. W. HAY.

---

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.*

DOWNING STREET, LONDON, 24 June 1826.

MY LORD,—I have had the honor to receive and to lay before Earl Bathurst your Excellency's letter of the 19th instant upon the subject of Mr. Erith's complaints ; and I am desired to request that your Excellency will have the goodness to explain to His Lordship the circumstances under which Mr. Erith was refused a Pass for leaving the district in which he was settled. I have &c.

(Signed) R. W. HAY.

---

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.*

DOWNING STREET, 24 June 1826.

MY DEAR LORD,—In consequence of your Lordship's recommendation of the Reverend Mr. Ireland for the Chaplaincy of Graham's Town, and of your intimation that that Gentleman would of course resign his Military situation of Brigade Chaplain upon his being appointed to Graham's Town, Lord Bathurst desired the Secretary at War, in conformity with your Lordship's suggestion, to send out another Military Chaplain to replace Mr. Ireland, which the Secretary at War has accordingly done, and there it was thought that the business would rest to the satisfaction of all parties.

It now appears, however, as your Lordship will find from the accompanying dispatch and papers which have been received from Major General Bourke, that Mr. Ireland conceives that he had expressed no intention of resigning his Military Chaplaincy ; and Lord Bathurst will be glad, therefore, if your Lordship will be good enough to favor him with your opinion as to the answer which should be returned to Major General Bourke.

I have &c.

(Signed) R. W. HAY.

## [Original.]

*Memorial of MR. JAMES THOMAS ERITH to EARL BATHURST.*

No. 2 BARDON PLACE, PECKHAM,  
SURREY, June 24<sup>th</sup> 1826.

To the Right Honorable the Earl Bathurst, K.G., one of His Majesty's Principal Secretaries of State, &c., &c., &c.

May it please Your Lordship.

The Memorial of James Thomas Erith humbly sheweth That your Memorialist with great deference to Your Lordship takes the liberty to state that he has been waiting with a considerable degree of anxiety Your Lordship's reply to his Memorial of the 15th Instant, and which has thro' the multiplicity of business no doubt escaped Your Lordship's recollection.

That your Memorialist looked forward to the arrival of His Excellency the Governor of the Cape of Good Hope in England as the period when your Memorialist's case would be fully gone into, and which has now been pending upwards of five years.

That your Memorialist in renewing his application to Your Lordship feels assured Your Lordship's Wisdom will see the necessity of bringing it to a final conclusion, your Memorialist's health daily declining (thro' too great exertion for the scanty support of his Family) makes him most anxious on their account ; he therefore humbly and most earnestly prays Your Lordship's Interference and protection, that this protracted Business may be terminated.

And your Memorialist as in duty bound will ever pray.

(Signed)      JAMES THOMAS ERITH.

## [Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 25 June 1826.

SIR,—I have to acknowledge the receipt of your dispatch No. 7 under date of the 3rd of April last, enclosing an Ordinance which you had issued for permitting grain and flour to be

imported into the Cape until the 31st of December next, under an ad valorem duty of 3 per cent.

As you propose to take an early opportunity of bringing under my consideration the expediency of a general revision of the Corn Laws at the Cape, I shall not now enter into a subject of such magnitude, and confine myself to the expression of my desire that you will take no step in regard to this delicate question, which must so materially affect the interests of the Colony, without having the sanction of His Majesty's Government. I have &c.

(Signed)      BATHURST.

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[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, 26 June 1826.

SIR,—I have to acknowledge the receipt of your dispatch No. 8 under date of the 9th of April last, in which you propose that a Company of the Royal Staff Corps should be sent out to the Cape.

I desire you to be assured that I am fully sensible of the advantages which the Colony would derive from the employment of a detachment of that valuable Corps ; but as His Majesty's Government are not now prepared to incur any increased charge on account of the Military Establishment of the Colony, and as the Colonial Treasury is totally unable to bear the expence of maintaining a Company of the Royal Staff Corps, it is out of my power to hold out to you the prospect that your proposal can be adopted. I am &c.

(Signed)      BATHURST.

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[Original.]

*Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.*

48 LOWER GROSVENOR STREET, LONDON, 26th June 1826.

SIR,—I have the honor to acknowledge the receipt of your letter of the 24th instant, requesting, with reference to my report on Mr. Erith's Complaints, that I would explain for

Earl Bathurst's information, the circumstances under which Mr. Erith was refused a Pass for leaving the District in which he was settled; and in reply thereto, I beg leave to state, that I perfectly recollect that in consequence of Mr. Erith's application a Colonial Pass was sent to the Landdrost with Directions to be delivered to him should no objections exist to his quitting the District; but as the Landdrosts are restricted by the Colonial Regulations from permitting the removal from their respective Districts of any person who has not settled all claims against him, the delivery to Mr. Erith of the pass intended for him, or the withholding it until the Regulations were complied with, of course depended upon local circumstances. I have &c.

(Signed) CHARLES HENRY SOMERSET.

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[Original.]

*Letter from the War Office to R. W. HAY, ESQRE.*

WAR OFFICE, 26th June 1826.

SIR,—With reference to the correspondence that has taken place relative to the appointment of the Revd. W. Ireland to the Civil Chaplaincy at Graham's Town, I am directed to acquaint you for the information of Earl Bathurst that the Revd. Benjamin Crofts Goodison has been commissioned to succeed him as Chaplain to the Forces at the Cape of Good Hope, and is now on his passage to that Station.

Mr. Ireland is considered to have resigned his military appointment from the 7th June 1825, when he was appointed to the Civil Chaplaincy, and he has been called upon to refund any Military Pay that he may have received beyond that date.

I have &c.

(Illegible.)

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[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 27 June 1826.

SIR,—I have received and had under my consideration your dispatches of the numbers and dates noted in the margin. [No. 3—24 March. No. 4. ditto. No. 5—28 March]

You will acquaint the Inhabitants of the Field Cornetcy of Bavians River in answer to their Memorial, that I am well disposed to recommend to His Majesty to grant their request. You will, therefore, take measures for having an estimate prepared of the expence of erecting a plain dwelling house for the residence of a Clergyman, and of a building which may serve both as a place of Worship and as a Schoolroom ; and so soon as the Memorialists shall have contributed one half of such estimated expence, you will direct that the other moiety be advanced from the Colonial Treasury for the execution of the Work ; but you will take care that the Colonial Government be not considered responsible for any excess of expence on account of this Service beyond the sum estimated.

I have further to acquaint you that the Clergyman whom the Memorialists may induce to join them from Scotland, to take the charge of their spiritual instruction, will be allowed a stipend of One hundred Pounds per annum in addition to any sum which they themselves may raise for his maintenance ; and so soon as he may be reported to me ready to leave Scotland for the Cape, I shall direct the Colonial Agent to issue to him an adequate allowance for his passage.

With respect to the repair of the roof of Graham's Town Prison, which forms the subject of your dispatch No. 4, there appears to be no alternative but to have the building repaired without delay.

I approve the arrangements which you have adopted for reducing the expence which must be incurred for the repair of the road from Cape Town to Simon's Town ; but as it seems doubtful whether the road can be so constructed as to avoid the necessity of continued repair, I must impress upon you the absolute necessity of devising some measure which may have the effect of securing the Colonial Treasury from the loss

which will accrue from the insufficiency of the tolls. It appears to me that the expences of repair might be materially diminished by reducing the extreme breadth of the road ; at all events it is requisite that the tolls should be forthwith encreased between the halfway Station and Cape Town ; and I see no reason whatever why any branch of the Public Service should be specially exempted from the payment of the encrease which you may judge necessary. I have &c.

(Signed)      BATHURST.

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[Original.]

*Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.*

48 LOWER GROSVENOR STREET,  
LONDON, 27th June 1826.

SIR,—In reply to your letter of the 24th instant, transmitting a Letter from Major General Bourke, relative to the Revd. Mr. Ireland, I must beg permission to refer you to the letters I had the honor to address to Earl Bathurst on this subject under date 25th October 1824, 7th June and 21st July 1825. In the first of these I explained the terms on which Mr. Ireland had undertaken to perform the duties of Chaplain on the Civil Establishment at Graham's Town. In the Second I notified Mr. Collison's relinquishing the Military Duties at Cape Town, and in the last I conveyed to His Lordship what I conceived to be the tenor and intention of Mr. Ireland, signified to me in his letter of the 12th of July last.

It was impossible to put any other construction upon it than that he was willing to resign his Military Appointment, as it had been explained to him in the most explicit and unequivocal terms previously to his leaving Cape Town that the only allowance made under the Secretary at War's Authority to the person performing the Military Duties at Graham's Town, was 20 Shillings Per Week. I could not suppose therefore that when Mr. Ireland applied to be confirmed in the Civil Chaplaincy at Graham's Town and to be put on the same footing as Mr. Geary, he intended to retain the Situation of

Military Chaplain in Cape Town, as it was obvious that the one was totally incompatible with the other.

I have no hesitation in saying that I think 20 Shillings Per week is an inadequate remuneration to the Gentleman performing the duties of Military Chaplain at Graham's Town. He has the Hospitals of the Garrison and of the Cape Corps to attend to, the former in the Town, the latter at the Barracks 1000 yards from the Town. He has also the School of the Cape Corps to attend to, at which there were when I left the Cape 127 children. He has also all the Surplice Duties of the Military as well as a Separate Service to perform on a Sunday. If the Secretary at War should think that these duties justified a Second Military Chaplain in the Colony, I think it would be productive of much good, and I know of no man more worthy of the Charge than Mr. Ireland; but there must be a Military Chaplain in Cape Town, and it is quite unnecessary to point out that that appointment is totally incompatible with the Chaplaincy at Graham's Town which Mr. Ireland requested in his letter to me of the 12th July to be confirmed in. I have &c.

(Signed) CHARLES HENRY SOMERSET.

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[Office Copy.]

*Letter from R. W. HAY, Esqre., to HENRY ELLIS, Esqre.*

DOWNING STREET, 27 June 1826.

SIR,—I transmit to you enclosed a Memorial from John Thomas Erith, in which among other things which are therein stated he complains that he was removed from the location which had been originally assigned to him on his arrival at the Cape of Good Hope, and as it is inferred from some expressions contained in the accompanying Report from Captain Trappes upon the subject matter of Mr. Erith's complaints that you may be cognizant of the circumstances under which that Individual was removed from his original location, Lord Bathurst will be glad to receive any information which you may have it in your power to offer upon the subject.

I am &c.

(Signed) R. W. HAY.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 29 June 1826.

MY DEAR SIR,—I beg leave to apprise you that it is in the intention of Mr. Fowell Buxton to move during the next Session of Parliament for the Reports of the Field Cornets and other officers of the Government who may have been employed in Commandos against the Bushmen since the Conquest of the Colony. What Mr. Buxton's object may be in calling for these Papers, I cannot conjecture; and I have thought it desirable, therefore, to convey to you this intimation of his intentions, in order that you may transmit those Reports to this Department; (I can scarcely venture to say, however, to the extent to which they will be required) accompanied by such observations as may enable Lord Bathurst to decide whether there might be any necessity for producing them.

I remain &c.

(Signed) R. W. HAY.

[Original.]

*Letter from T. P. COURtenay, ESQRE., to R. W. HAY, ESQRE.*

ABINGDON STREET, 29th June 1826.

SIR,—I have the honor to transmit a letter from Sir Richard Plasket, dated Cape of Good Hope, 25th February 1826, which, referring to the Governor's letter to Earl Bathurst dated 20th July 1825 requesting a supply of new Dies for Stamps, states that in addition to those Dies further Dies for Stamps of various specified values will be required. I have to request that you will move Earl Bathurst to sanction the provision of these Dies in addition to those authorized in your letter of the 12th October last. I am &c.

(Signed) THOS. PER. COURtenay.

[Original.]

*Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.*

48 LOWER GROSVENOR STREET,  
LONDON, 30th June 1826.

SIR,—I take the liberty of troubling you relative to the issue of the Salaries of myself, my Private Secretary (Mr. Rutherford) and of Mr. Brink the Assistant Secretary at the Cape of Good Hope.

I have the honor to enclose the Certificates relative to the period to which Issues have been made on this account, which are those required by Earl Bathurst's Despatch of the 21st April 1818, and I should be very much obliged to you to cause Mr. Courtenay to be authorised to make the necessary Issues up to this day. I have &c.

(Signed) CHARLES HENRY SOMERSET.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to SIR HERBERT TAYLOR.*

DOWNING STREET, 30 June 1826

SIR,—His Majesty's Government having determined that the Corps of Infantry now on the Colonial Establishment of the Cape should be forthwith reduced, I am directed by Earl Bathurst to desire that you will move His Royal Highness The Commander in Chief to take measures for allotting an additional British Regiment for the defence of that Colony.

I am &c.

(Signed) R. W. HAY.

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[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, July 1<sup>st</sup> 1826.

MY LORD,—I have the honor to enclose an address from some of the most considerable persons in the District of Albany requesting me to endeavour to obtain from His Grace the Duke of Wellington permission to Major Dundas their Landdrost to remain for one or two years longer in charge of the District. I have already had occasion to represent to Your Lordship the very great loss which the Colony in general and the District of Albany in particular will experience by the immediate removal of Major Dundas from the employment he now holds, and I have again to request Your Lordship's interference to obtain the leave of absence he asks from His Grace the Duke of Wellington. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure 1 in the above.]

ALBANY, 13<sup>th</sup> June 1826.

SIR,—I have the honor to request you will be pleased to lay before His Honor the Lieutenant Governor Major General Bourke the accompanying letter from some of the British Settlers and other Inhabitants of this District on the subject of the reported removal of Major Dundas from the office of Chief Magistrate of Albany in consequence of promotion.

I have also to state that the representation would have been numerously signed, but that the obtaining of such signatures would have occupied considerable time from the circumstance of the Inhabitants living so far apart; it was therefore thought better to procure the names of a few of the most respectable Settlers and other Inhabitants (as representatives of the whole) rather than risk a delay which might prove fatal to their wishes. I have &c.

(Signed) GEO. PIGOT.

The Honorable Sir R. Plasket,  
Secretary to Government.

[Enclosure 2 in the above.]

ALBANY, 13th June, 1826.

SIR,—Having learnt with the greatest concern that Major Dundas, the present Landdrost of Albany, has been recalled to Europe, in consequence of promotion, we take the liberty of drawing Your Honor's attention to the serious inconvenience and injury which must inevitably accrue to this Settlement should that removal take place.

We beg to point out that the duties at present attached to the office of Landdrost (more especially in this District) are of a nature so arduous and complicated, demanding so rare a combination of ability, firmness, assiduity, and local experience, that for this appointment the necessary qualifications are by no means generally possessed, and at the same time this Office so materially influences the public Interests, that the present welfare and future prospects of the British Settlement chiefly depend upon the qualifications of the Individuals invested with it.

Major Dundas has displayed in no ordinary degree the qualities most essential to his situation, and has acquired the confidence of the Inhabitants, from a knowledge that his whole attention is strenuously and disinterestedly directed to the public good, and as great inconvenience has already been sustained by the frequent removals of the Chief Magistrates, we cannot but regard the departure of Major Dundas at this juncture, while the arrangements his experience has dictated are yet incomplete, as a serious public calamity, which would materially retard the adjustment of Claims so long pending, and the general progress of the Settlement.

As we have every reason to believe that Major Dundas' fitness for his present situation is as fully appreciated by your Honor as it was by His Excellency the Governor, who selected him for it, we trust that your Honor agrees with us in opinion, that under the peculiar circumstances we have stated, the removal of Major Dundas at this moment would be most detrimental to the British Settlements in this District.

Under these circumstances, we presume humbly, but earnestly, to beg that your Honor will be pleased to move

His Grace the Duke of Wellington to grant Major Dundas one or two years leave of absence, (in which time it is probable that his arrangements will be completed), and we entertain a hope that when His Grace is aware of the importance of Major Dundas' continuance in his present office for that period, he will condescend to accede to this request. We have &c.

(Signed)	GEO. PIGOT P. HEUGH & Co. THOMAS PHILIPPS MILES BOWKER H. W. HENDERSON DUN. CAMPBELL JOHN CARLISLE T. C. WELFORD JAS. GREEN GEO. McLACHLAN CHAS. MAYNARD	FORBES STILL MITFORD BOWKER THOS. ROBINSON T. W. OGILVIE ADRIAAN VERMAAK ALEXANDER KIDWELL JAMES COLLIS CHAS. DALGAIRNS T. HUTTON W. R. THOMPSON WM. SMITH.
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To His Honor Major General Bourke,  
Lieutenant Governor.

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[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, July 1st 1826.

MY LORD,—I have the honor to enclose the copy of a letter from Mr. George Greig to Sir Richard Plasket, by which Your Lordship will perceive that Mr. Greig declines receiving back his types upon the conditions prescribed by Your Lordship. The new set which has lately arrived remains in consequence to be disposed of, and as the printing materials now in use at the Government Printing Office are much worn, I would request Your Lordship's permission to appropriate the new set to the purposes of this Office. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure in the above.]

CAPE TOWN, June 14, 1826.

SIR,—I have the honor to acknowledge the receipt of your letter dated the 10th Instant, apprising me that the Printing Materials which formerly belonged to me, and which are at present in Mr. Bridekirk's possession, will now be delivered over to me upon the terms agreed to by Lord Bathurst, and requesting me to appoint an Appraiser to act with Mr. Johnstone in fixing their value. In reply to this letter, I beg to state, that having been disappointed in the promise held out to me by Lord Bathurst of obtaining possession of those Materials on my return to this Colony in August 1825, I have been compelled to sink Capital in the purchase of a competent Stock from London; and must therefore decline negotiating for the purchase of the Printing Materials referred to in your Letter. I have &c.

(Signed)      GEORGE GREIG.

The Honorable Sir R. Plasket,  
Secretary to Government.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to SIR R. PLASKET.*

DOWNING STREET, 1 July 1826.

MY DEAR SIR,—I have to acknowledge the receipt of your letter of the 31st of March last, and am sorry to acquaint you that Lord Bathurst does not feel disposed to authorise any Salary to Mr. Miller in consequence of Mr. Brink's absence, but his Lordship will have no objection to Mr. Miller's being appointed to any subordinate situation which may fall vacant in some of the Offices of the Colonial Government.

I remain &c.

(Signed)      R. W. HAY.

[Office Copy.]

*Letter from R. W. HAY, Esqre., to T. P. COURtenay, Esqre.*

DOWNING STREET, 1 July 1826.

SIR.—Having laid before Earl Bathurst your letter of the 29th instant, I am directed to convey to you his Lordship's authority for procuring and forwarding to the Cape of Good Hope an additional supply of new dies for Stamps, in conformity with the requisition contained in the letter from the Chief Secretary to that Government under date of 25 February last.

I am &c.

(Signed)      R. W. HAY.

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[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 2nd July 1826.

SIR,—I have received and had under my consideration your dispatch No. 11 of the 21st of April last, enclosing copies of the Instructions which you had issued to the Landdrosts of the Border Districts, and to the officer commanding His Majesty's Troops on the Frontier, for the purpose of putting a stop to the system of retaliatory expeditions into Caffre Land for the recovery of stolen Cattle.

I am fully aware of the many inconveniences which must occasionally arise from permitting the Borderers to take the Law into their own hands, and go into Caffre Land, not only to recover their own stolen Cattle, but to seize on other cattle as an equivalent. It may, therefore, be very desirable to prohibit such expeditions; but as you have not informed me of the measures which you are taking either to indemnify the Borderers for the loss of their Cattle, or to punish the Caffres who may steal them, I can only express my hope that you have made this change after due enquiry, and that the measures which you have adopted will be attended with beneficial results.

I am &c.

(Signed)      BATHURST.

[Original.]

*Letter from MR. HENRY W. REVELEY to R. W. HAY, ESQRE.*

*July 2nd 1826.*

SIR,—Having understood that the Colonial Department is in want of a person in the capacity of a Civil Engineer and Architect, I beg leave to offer my services, and at the same time to lay before you the accompanying testimonials.

I also beg to state that being acquainted both practically and scientifically with my profession as Civil Engineer, I am confident of giving the fullest satisfaction in any of the following departments, viz. the construction and use of all kinds of machinery, buildings, heavy masonry, bridges, and fortification.

I am Sir &c.

(Signed)      HENRY W. REVELEY.

[Enclosure 1 in the above.]

THAMES TUNNEL OFFICE,  
No. 29 POULTRY, March 2nd 1824.

DEAR SIR,—Allow me to introduce you and recommend Mr. Reveley who will deliver you this. The object of Mr. Reveley's journey to Liverpool is to offer himself as a candidate for the situation of Engineer to the Liverpool Docks. Having known Mr. Reveley for several years, I have every reason to think very favourably of his qualifications as an Engineer and of his merit to fill the situation in question &c. &c.

(Signed)      M. J. BRUNEL.

The remaining enclosures are testimonials from Messrs. Davies Gilbert, Peter Barlow, Olinthus Gregory, and George Berbeck.

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## [Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 3rd July 1826.

SIR,—I have the honor to acquaint you that it has been determined to send another Regiment of Infantry to the Cape in order to complete the Military defence of that Colony ; and I have to signify to you The King's Commands that upon the arrival in the Colony of the Regiment which may be selected for that Station, you proceed to disband the Cape Corps of Infantry.

I have further to instruct you to take measures for disbanding the Rocket Troop which is stationed on the Frontier of the Colony. I am &c.

(Signed)      BATHURST.

## [Original.]

*Letter from MAJOR GENERAL BOURKE to EARL BATHURST.*

CAPE OF GOOD HOPE, 3rd July 1826.

MY LORD,—I have the honor to transmit the General Monthly Return of the Forces serving under my Command to the 25th June 1826. I have &c.

(Signed)      RICHD. BOURKE, Major General.

## [Office Copy.]

*Letter from R. W. HAY, Esqre., to T. P. COURtenay, Esqre.*

DOWNING STREET, 3rd July 1826.

SIR,—I am directed by Earl Bathurst to desire that you will issue to Lord Charles Somerset the full Salary accruing to him as Governor of the Cape of Good Hope from the period to which it shall be certified to you by His Excellency that his Salary has already been issued to him in the Colony.

You will likewise issue to Lieutenant Rutherford His Excellency's private Secretary the full Salary attached to his Office from the 1st of January of the present year until the 1st of September next and no longer.

And I am further to convey to you Earl Bathurst's direction that you issue full Salary to Mr. Brink the Assistant Secretary to the Cape Government from the 1st January of the present year, until he shall return to the Colony. I am &c.

(Signed) R. W. HAY.

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[Copy.]

*Ordinance of the Lieutenant-Governor in Council.—No. 20,  
For abolishing the Office of Wine-Taster, and for relieving  
the Exporters of Wine from the Duties levied therein.*

Whereas it is expedient to discontinue the Establishment of the Office of Wine-Taster, and to relieve the Exporters of Wine from the Duties levied therein, it is hereby enacted and declared, That the Proclamation of the 19th December, 1811,—the Government Advertisement of 3rd February, 1812,—the Instructions issued on the 10th February, 1812,—and the Proclamations of 24th September 1813, and 27th February 1818,—shall be and they are hereby repealed.

And it is further enacted, That the Duty of Two Rix-Dollars per Leaguer for Tasting all Wines for Exportation, and the Duty of Two Skillings per Leaguer for Gauging the same, shall cease and determine from the Date hereof.

And that no Person may plead Ignorance hereof, this will be published and affixed in the usual manner.

God save the King !

Given at the Cape of Good Hope, this 3rd Day of July, 1826.

By Command of His Honor the Lieutenant-Governor,

(Signed) R. PLASKET, Secretary to Government.

By Order of the Council,

(Signed) D. M. PERCEVAL, Clerk of the Council.

[Original.]

*Letter from MR. J. PENSAM to R. W. HAY, ESQRE.*

SERJEANTS INN, TEMPLE, 3 July 1826.

SIR,—At the request of the family of a gentleman who died at the Cape of Good Hope, I take the liberty of representing to you the necessity they are under of soliciting the aid and protection of Government in the situation in which they stand with respect to property of which, from various sources of information, they are led to suppose he died possessed, and to which they have become entitled by his decease.

Their father, a Mr. David Pontardent, went to the Cape about the year 1806, and continued to reside there till his death in May 1825 ; and it has been understood was officially connected with the Court of Admiralty there. Mr. Pontardent left his wife and family in England under the protection of her friends (who are highly respectable), communicating with them not very frequently, and never upon pecuniary concerns. They are therefore almost entirely uninformed respecting them, except from vague and unconnected sources, being led to suppose that he left property of an amount not inconsiderable, but in whose hands, of what nature, or in what situation, there is no information whatever transmitted by any one connected with his affairs.

Under these circumstances they are advised to entreat the intervention and protection of Government, humbly requesting that inquiry may be directed to ascertain whether he has left a Will, or how his affairs have been administered.

Mrs. Pontardent died before her husband. I address you merely as a friend of their family, not professionally. If from this there should appear to be any deficiency, either in the statement of the case or want of regular authority, if I may request the favour of intimation of it I will endeavour to supply whatever may be further needful. I have &c.

(Signed)      J. PENSAM.

[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 4 July 1826.

SIR,—I have the honor to acquaint you with reference to my dispatch No. 222 of the 4 December last, that I have had under my consideration Lord Charles Somerset's dispatches of the numbers and dates noted in the margin [No. 221—9 September 1825, No. 247, 11 February 1826, No. 284, 25 February 1826], reporting various expences which had been incurred for the completion and enlargement of Schools ; and although I do not propose to object to that expenditure, yet it is necessary that I should apprise you, that you must not expect that His Majesty's Government will be prepared to recommend to Parliament to sanction the appropriation of any Portion of the Revenues of this Country in aid of any measures which the Colonial Government may upon general principles think desirable for imparting the benefit of a school education to the Slave and other children of the Colony. I am &c.

(Signed)      BATHURST.

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[Original.]

*Letter from T. P. COURtenay, Esqre., to R. W. HAY, Esqre.*

ABINGDON STREET, 4th July 1826.

SIR,—I have had the honor of receiving your letter of yesterday's date, communicating to me the directions of Earl Bathurst for the payment of the full Salary of His Excellency Lord Charles Somerset and other officers therein mentioned.

His Lordship will perceive, upon an inspection of the enclosed statement that the balance in my hands is far from sufficient to make these payments and that an issue of £7,500 is necessary in order to enable me to meet all the demands which will come upon me in the current quarter.

When I made my last application to you on the 15th of May I had in view the payment of the Governor's Salary, but I was

not aware that the full Salary would be issued, or that His Excellency would not have received payment at the Cape for some portion of the present year. I have &c.

(Signed)      THOS. PER. COURTENAY.

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[Copy.]

*Letter from MR. CHARLES D'ESCURY to SIR RICHARD PLASKET.*

INSPECTOR OF LANDS AND Woods' OFFICE, 4th July 1826.

SIR,—A few days since some Title Deeds of Grants in the new District of Somerset, formerly belonging to Graaff Reinet, were brought to me for examination, in which a clause was generally introduced that none but Free Labourers should be employed on the Land thereby granted, on pain of forfeiture, when on enquiry respecting it, I learned that an order had been received that in future such a clause should be introduced in all grants of Land in the Frontier districts. Not having received any communication respecting it for the information and guidance of my office, may I be allowed to submit the following queries.

1st. To what districts does the said order apply ?

2nd. Does it comprehend the whole of those Districts, or only to a given extent from the Frontier ?

3rd. To what description of Applicants does it apply, that is, does it include the old established Farmers in possession of a regular set of Slaves, or only new Settlers, either Strangers coming into the Colony or beginners from among the Colonists themselves ?

4th. To what description of grants does the order apply, that is, does it include the Loanplaces to be converted, or only the new Land ?

5th. From what period, with reference to the applications for Grants, does the said order begin to operate ?

The following observations have induced me to submit the above queries :—

If the term "Frontier Districts" must be understood in its full meaning it includes the Districts of Albany, Somerset,

Graaff Reinet, and Worcester, consequently quite one half of the Colony, while the latter District, extending from the Frontier on one side to the Sea on the other, the whole of that District cannot well be denominated a Frontier district, and that the others extend also a considerable distance inland. The manner in which this order will operate, taking it in its full latitude, will show the importance of this question viewed in connection with the others.

As to the description of Applicants, it will have the effect of confining the old Farmer to the Land he already occupies, and consequently the surplus Labour of his Slaves, which he might otherwise employ on a further extension of Land, becomes unproductive. To this however will be replied that, whereas the extent of Land already occupied by him is very considerable, generally speaking, the surplus labour will or should be applied to the greater improvement of the same, which is preferable to affording him a further extent of Land. This reply must be admitted to be correct in a general point of view, though there are exceptions. But the two following points are more difficult of solution, and I consider them to be very important in themselves.

If it be intended to apply the order to Loanplaces as well as to new Grants, it must be considered that the greater number of these consist of ancient occupancies, they have descended from Father to Son to the present Holders, or the Leases have been purchased by others after having so descended, and the occupiers are settled on them with their Stock of Slaves, in many instances descended to them in like manner. The application therefore of this order to Loanplaces will either have the effect of dispossessing them of the Loanplaces, or of obliging them to dispose of their stock of Slaves; and what then can be substituted? Where can they get free labour to replace that which they derived from their Slaves? The equivalent of that labour would not be obtainable in the present state of the Colony, and that which they could perhaps *partially* obtain would be at a price which they could not afford to pay. They will therefore not apply for the conversion of their Loanplaces, which is expressly declared to be optional and not compulsory, consequently if this order applies to Loanplaces, the object of the measure for converting the temporary Loan Tenure into

Grants in perpetuity will, with respect to the yet unconverted Loanplaces be defeated throughout one half of the Colony, and the holders of them be deprived of the important benefits intended to be conferred upon them by that measure.

Next, as to the period from which the order in question is to take effect with reference to the application for Land, it is clear that when the applications now in progress were made this order was not contemplated by the Applicants, it did not exist when the Lands so applied for were inspected and surveyed, and the expenses attending these were *paid by the parties in advance*. It is certain also that a great number of these applications would never have been made had the said order been either anticipated, or already existed, and very many of the Applicants will be placed by it in the situation that they *cannot avail themselves of the Grants from their total inability of complying with the order*. Then the question becomes this, are these applicants to lose these several Sums of Money paid by them for the Inspections and Surveys, or will Government be disposed to reimburse them as is done in other instances when, after such expences have been incurred, the Government decides on not making the grant ?

The two cases appear to me strictly parallel, the interposing of this order which *incapacitates* the Applicant from accepting the intended grant in the one instance, and the decision not to make the grant in the other, are both *acts of the Government* in which the applicant has no will or agency. Query then, is the order to apply retrospectively to applications in progress, of which the Lands have already been inspected and surveyed, or only to such as are not thus forward and to those that may hereafter be made ?

There is another consideration connected with the carrying of this order into effect, namely the very considerable extent of land that is illegally occupied in the Frontier Districts, particularly in Graaff Reinet and Worcester. It will in the first place prevent the illegal Occupiers from applying for Legal Titles, which is so desirable they should do, yet which, with great difficulty and much management, is only slowly progressing, and to *force* this object, or to dispossess the Occupiers *is not practicable*, the extent of the evil is become too great to use coercion ; they will therefore retain their occupancy as it

were in defiance, while such Lands as may be granted in their vicinity under said restrictive order may become a source of considerable jealousy between the two descriptions of Occupiers.

One more consideration attached to this order, which seems to me also deserving of attention, is, will it not have the effect of obliging a great number of Farmers to remove into the Interior Districts in search of Land that shall not be subject to the said Order, and thus by depriving a considerable part of the Frontier of its best defence lay it more open to the inroads of the Savage Hordes, and thence expose to the most imminent danger those who being already in possession of grants cannot abandon them without ruin ?

But supposing for the sake of argument that all the applications now made and in progress were granted and accepted on the terms of that restricted clause, it must follow that the whole of that Land, at least with a very inconsiderable exception, would remain waste, for the quantity of Free Labour that would be required for it does *not exist in the Colony*.

By a reference to the comparative Sketch of the procurable Field Labour, made out by me in July 1823, it will be seen that the said procurable Field Labour, including both Hottentots and Slaves, stands as *One Male* (comprising boys of 12 years of age) to every 772 acres ! If now to the proportion of Land thus stated be still added that which would be granted by virtue of these applications, while from the Labour must be subtracted that of Slaves rendered unavailable in respect to the latter, what proportion of the Free Labour, which hitherto consists only of Hottentots, and does not amount to anything like 8,000 *Males for the whole Colony*, could possibly be applied to it ?

I hope that my presenting these considerations to His Honor the Lieutenant Governor's notice will not be deemed unseasonable, should they even be overruled by his superior judgment.

I have &c.

(Signed) CHAS. D'ESCURY,  
Inspector of Government Lands and Woods.

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[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 5th July 1826.

SIR,—I have the honor to acknowledge the receipt of your d'spatch No. 16 under date of the 29th April last, together with its enclosures, and I have to convey to you my sanction to the several items of public expenditure, therein specified, which have been incurred during the Quarter ending 31st of March last. I have &c.

(Signed)      BATHURST.

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[Original.]

*Letter from MR. JAMES THOMAS ERITH to R. W. HAY, ESQRE.*

No. 2 BARDEN PLACE, PECKHAM,  
SURREY, July 5th 1826.

SIR,—I am exceedingly sorry to again intrude on your time, but having addressed two Memorials to the Right Honorable the Earl Bathurst praying for a termination to the unfortunate business, and no answer having at present been returned by His Lordship, I shall feel greatly indebted to Mr. Hay if he will have the Goodness to name to His Lordship that even the remaining Balance due on the Caffre Cattle (the first reimbursement of which was made in April 1825) would greatly tend to remove difficulties which at present surround my Family and to alleviate Sufferings to which they are now exposed. I have &c.

(Signed)      JAMES THOMAS ERITH.

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[Original.]

*Letter from MR. JAMES THOMAS ERITH to R. W. HAY, ESQRE.*

No. 2 BARDEN PLACE, PECKHAM,  
SURREY, July 5th 1826.

SIR,—As it appears to me by what you named to me yesterday that the Right Honorable Earl Bathurst has perused Captain Trappes' reply to His Excellency the Governor of the Cape of

Good Hope and having done so feels satisfied that no injury has been done me, I shall feel obliged by the return of that Document as also Mr. Damant's Certificate and the copy of the Commissariat receipt.

I take the liberty to state that in looking over my papers they do not contain any reply respecting the Caffre Cattle from Earl Bathurst, I therefore deem it expedient to enclose for His Lordship's consideration the Balance as it now stands on those Cattle. I also feel it my duty to name to Mr. Hay (as nothing can be done for me on the part of Government) that I shall be under the necessity this day of applying to the Lord Mayor on account of my Family. I have &c.

(Signed) JAMES THOMAS ERITH.

[Enclosure in the above.]

Cattle taken by the Caffres in 1821 and 1822.

8 Oxen at 35 Rixdollars each.	.	.	Rds. 280
6 Cows at 50	„	„	300
13 do. at 20	„	„	260
2 Horses, one at 150, the other 200 Rds.			350
			1190
3rd September 1825. Received on account			30
			—
		Rds. 1160	

[Original.]

*Letter from MR. JOHN WALKER to R. W. HAY, ESQRE.*

24 ARGYLL STREET, 5th July 1826.

SIR,—I beg your attention to my son John Walker now residing at Cradock, Somerset district, Cape of Good Hope.

He is now about 28 years of age, of good health, and temperate habits, and accompanied the numerous settlers who went out to that colony a few years ago.

He was educated by the Revd. Mr. Oliphant Bolam near Morpeth, Northumberland, under whose care he was for several

years attending to the usual studies of boys of his age in the Latin and Greek Classics and Mathematics. Having a talent for drawing Maps and Plans he fixed upon Architecture as his profession and was for some time in the office of an eminent Architect in London. Whether the occupation was too sedentary in its commencement, or from some knowledge he had acquired of Drugs and Chemistry, he then wished to change his destination for Surgery and attended Brooks and other anatomists for some time, but from the love of change so common to young persons and the eagerness to see foreign countries he embarked with the Settlers to Algoa Bay.

At this instant he has some office under the Government of that Colony, but as some of his letters have miscarried I do not know what it is, and as he has not mentioned it in any of the letters received I conclude it is one of obscurity. I should esteem myself highly obliged by your appointing him to any situation of which you may deem him worthy. With every respect, I am &c.

(Signed) JOHN WALKER.

[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 6 July 1826.

SIR,—Mr. Henry Willey Reveley having been strongly recommended to me for his abilities as a Civil Engineer, I have appointed him in that capacity on the Establishment of the Cape Government with a Salary of five hundred Pounds per annum.

Mr. Reveley will lose no time in proceeding to the Colony, and he will be accompanied by an Assistant to whom you will direct that an allowance of one hundred Pounds be issued.

The present Establishment of the Civil Engineer must be abolished. I am &c.

(Signed) BATHURST.

[Original.]

*Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.*

48 LOWER GROSVENOR STREET,  
LONDON, 6th July 1826.

SIR,—I have the honor to transmit to you the enclosed Letter from Mr. Atherstone, Surgeon &c. at the Cape of Good Hope, containing proposals for the establishment in that Colony of an Institution where the various branches of Natural Philosophy and Chemistry may be taught free of expence, and I am to request that you will be pleased to submit the same to Earl Bathurst and take His Lordship's pleasure thereon.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to the COMMISSIONERS OF THE NAVY.*

DOWNING STREET, 6 July 1826.

GENTLEMEN,—I am directed by Earl Bathurst to desire that you will provide a conveyance to the Cape of Good Hope for Mr. H. W. Reveley who has been appointed Civil Engineer of that Colony, his Wife, a female Servant, and a person who accompanies Mr. Reveley as Assistant Engineer, all to be victualled during the passage. I am &c.

(Signed) R. W. HAY.

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[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 7 July 1826.

SIR,—I have to acknowledge the receipt of your dispatch No. 9 of the 10th of April last, enclosing an application from the Reverend Mr. Ireland, upon the subject of his recent

appointment to the Civil Chaplaincy of Graham's Town, and his consequent resignation of the Military Chaplaincy of Cape Town.

It is certainly to be lamented that Mr. Ireland's wishes with respect to Colonial employment should have been misunderstood ; and as the Secretary at War has already selected a Brigade Chaplain for Cape Town, I am not aware how it would be possible to replace Mr. Ireland in his former situation. At the same time, if he cannot reconcile himself to his present employment, it will be open to him to apply to the Secretary at War for a Chaplaincy on some other Station ; and I shall very readily support his application. I am &c.

(Signed)      BATHURST.

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[Original.]

*Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.*

48 LOWER GROSVENOR STREET,  
LONDON, 7th July 1826.

SIR,—I do myself the honor to transmit to you a Memorial presented to me on board the *Atlas* in Table Bay, as I was about to sail on the 5th of March from several respectable Merchants at the Cape of Good Hope, relative to the duties on Cape Wine in this Country and on the benefit that would accrue to the Cape from establishing a Free Port at Cape Town.

I have &c.

(Signed)      CHARLES HENRY SOMERSET.

[Enclosure in the above.]

To His Excellency General the Right Honorable Lord Charles Henry Somerset, Governor and Commander in Chief of the Cape of Good Hope.

The Memorial of the undersigned Merchants and other Inhabitants of this Colony sheweth

That Memorialists' anticipations of the Distress which would ensue to the Colony of the Cape of Good Hope from the reduction

of Duties upon foreign Wines, without a corresponding reduction from the Duties payable on Wines of the Cape, have been already but too truly realized, in the accounts received from England, which prove that the hitherto staple Export of the Colony has ceased to find a market at a remunerating price to the Grower, and that the Exports from this Colony, since the alteration of Duties, have barely amounted to one fifth of their usual extent.

That the general stagnation of Trade throughout the Colony, and the gloomy prospects which lie before your Memorialists of still greater depression in every branch of their Colonial resources, calls loudly for the assistance of the Mother Country. The Wine Boer who (encouraged by a declaration that the produce of his Vineyards should be favoured by paying Duty to no higher an extent than one third of the Duty laid on Oporto Wine, the only foreign Wine then admitted into England under any duty but such as was almost prohibitory) laid out his Capital, and invested his Skill, his Labour, and his resources in the planting of Vines and extending his Wine Stores, sees all his hopes withered by one Line of an Act of Parliament; the anticipated gains of his honest and industrious exertions at once dissipated by the admission into the British Market of Wines, the produce of Foreign Countries, upon Terms with which the produce of his Vineyards can never compete, Whilst the Corn Farmer finds himself fettered and barred from the exportation of his Grain to an English Port, altho' the said Privilege has been extended by recent enactments to our American Colonies.

That at this period of unexampled distress, and impending ruin, your Memorialists appeal as a last resource to Your Excellency in the hope that Your Lordship will on your return to Great Britain exert your utmost influence and use your best endeavours to rescue the Colony over which you have so long presided, and the welfare of which cannot be an object of indifference to Your Excellency, from the general distress which is but too justly to be apprehended.

Memorialists pray Your Excellency will be pleased to point out to His Majesty's Ministers the necessity of a further reduction of duty upon the Wines of the Cape, corresponding with the reduced duties of foreign Wines; and also of granting

to this Colony so justly termed the Key of our Indian possessions, the benefit of a *Free Port*, and Privileges of Trade as extensive as those granted to any of our most favored Colonies, many of which, as the Island of Mauritius and the Provinces of Canada can testify, have during the last Session received Boons and Protections, whilst the Cape of Good Hope, inferior to none of them in Loyalty and Attachment to the Parent Country, has been left to contend against all her difficulties, and even deprived of the Privileges she once enjoyed.

[Signed]	J. B. EBDEN	M. C. VOS
	G. W. PRINCE	G. VOS
	P. WOUTERSEN	J. G. BECK
	HAMILTON ROSS	A. G. MUNTING
	P. M. BRINK	J. W. HUNTER
	W. GADNEY	M. BERGH
		W. HERDEMAN.

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[Original.]

*Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.*

48 LOWER GROSVENOR STREET,  
LONDON, 7th July 1826.

SIR,—I do myself the honor to transmit to you a Letter addressed to me by His Majesty's Fiscal at the Cape of Good Hope, containing a Memorial to Earl Bathurst in his own behalf, and I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

CAPE TOWN, CAPE OF GOOD HOPE,  
the 23rd February 1826.

MY LORD,—I do myself the honor to enclose to your Excellency my Memorial to Earl Bathurst for His Majesty's gracious permission to retire upon full pay, which the circumstances of my present situation induce me to request, that may be with

your Excellency's usual benevolence received and kindly recommended to the favourable disposition of His Majesty's Minister of State.

Having during about twelve years Served under your Excellency's Government, it would be superfluous to say much of the responsibility of my office, the prejudices which I have been obliged to combat, and the endless troubles which necessarily accompany the same, and I venture to hope that these and other reasons alleged in my Memorial coupled with my fourteen years' uninterrupted Service will weigh upon the mind of your Excellency in granting me your generous Support.

As your Lordship is on the eve of a temporary departure from this Colony I cannot but avail myself of this opportunity for recommending my case most strongly to your Excellency's kind consideration and for assuring your Excellency that notwithstanding my fourteen years' Service, I was not able to secure to my family the means of an independent existence, whereby I am necessitated to request the continuance of my full salary. Should Earl Bathurst object to granting that request, but feel inclined to grant to me a pension in some measure equivalent to the situation I hold, I think that Sir John Truter's intended resignation of the office of President of the Orphan Chamber would afford Your Excellency the means in indemnifying me for the loss of part thereof, by favouring me with the appointment to that office.

Accept My Lord my most sincere wishes for the health and the prosperity of yourself and family, and that the objects of your Excellency's voyage to Europe may be crowned with the most brilliant success and your Excellency may be thereby induced to return soon to this Colony; and allow me most sincerely to request the continuance of that protection which in many instances I have experienced from your Excellency, and with the highest sense of gratitude for all the marks of kindness received by me from Your Excellency to remain &c.

(Signed) D. DENYSSEN.

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[Original.]

*Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.*

48 LOWER GROSVENOR STREET,  
LONDON, 7th July 1826.

SIR,—Referring to the Report of Major Holloway (the Commanding Engineer at the Cape of Good Hope) under date to Earl Bathurst upon the general subject of Roads and inland Communications at the Cape, I have the honor to transmit for His Lordship's information a Plan and Estimate for that most important and desirable Undertaking, the making a Road over the Cape Flats to Stellenbosch. By examining the Plan it will be seen that the Road is carried on the right of the Saxenburg Hill, in order to be equally available to those who approach the Capital from the Country Districts by the pass at Hottentots Holland, as to those who come over the Fransche Hoek Pass.

I directed Major Holloway to cause the Estimate to be made, under the supposition of employing Convicts, as it would be hopeless to expect that labour could be obtained in the Colony to effect the work, exclusive of which the expence would be enormous and it would draw the Labourers from Employment absolutely necessary to the existence of the Inhabitants, and there appears no sort of expectation that the Military force will ever be of sufficient strength to admit of its affording more assistance than supplying a certain number of Non-Commissioned Officers as Overseers of Work.

Upon the general subject of sending Male Convicts to the Cape (which would be a measure of the most important utility) I shall be happy to be allowed to confer with you or to have the honor of addressing Lord Bathurst officially. I have &c.

(Signed)      CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

ROYAL ENGINEER OFFICE,  
CAPE OF GOOD HOPE, 25th March 1826.

MY LORD,—I have the honor to inclose to your Lordship herewith agreeably to your directions a plan of the Cape Flats showing the line proposed for the new Road to Stellenbosch, as also a report and Estimate dated 30th January last, for the execution of the Service by Convicts, amounting to £8,399 5 1½, the same being with reference to the papers which were inclosed in my letter to the Secretary of Government dated 5th December 1825.

The Statements of Lieut. Rose, Royal Engineers, are so minutely detailed that any particular observations from me seem scarcely to be requisite, I therefore beg leave to confine myself to the remark that, from the utter impossibility of Canals through the Interior, I can conceive no design that would so much improve the condition of the Inhabitants of all classes, and the Colony in General, as the facility which would be afforded by the formation of a Road, as proposed by your Lordship, to be carried across this extensive sandy Plain.

I have &c.

(Signed)      W. E. C. HOLLOWAY,  
                    Major and Comt. R. Engrs.

The Right Honorable Lord Charles Somerset.

[Enclosure 2 in the above.]

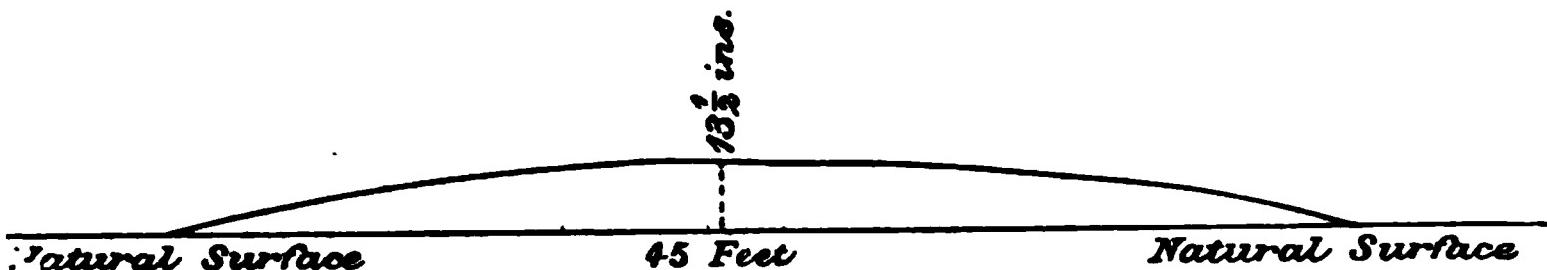
ROYAL ENGINEER OFFICE,  
CAPE TOWN, 9th March 1826.

SIR,—In obedience to your order I have the honor to enclose an Estimate for forming a Road over the Cape Flats, founded on my Report of November 24th 1825.

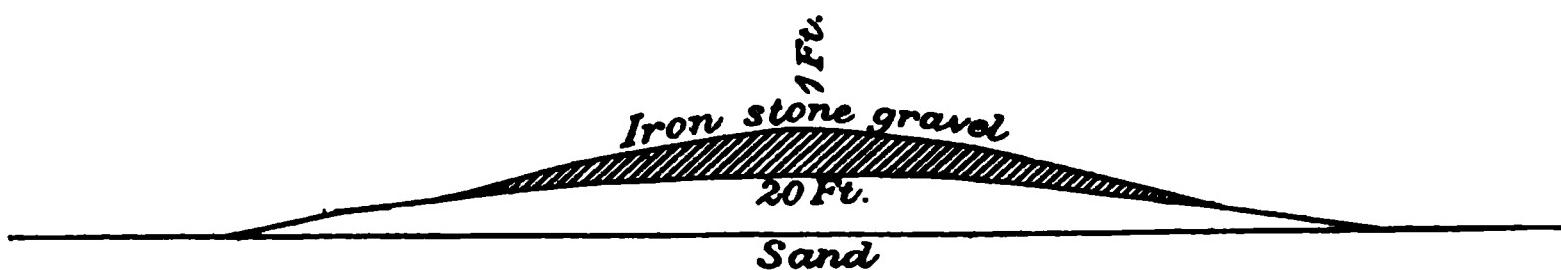
In that report I stated the difficulty of deciding on the practicability of the proposed line of road during the dry Season; large portions of the Flats which are now firm being in Winter deeply inundated. Of the correctness of this opinion

I am so persuaded, that I feel any Estimate framed without this knowledge must necessarily be imperfect.

The whole length of the road to be formed from the Liesbeek River at Rondebosch to Stellenbosch is about  $25\frac{1}{2}$  miles, (see Sketch). The proposed manner of making the road is by first forming the Land into the following Section :



and then laying a coat of iron stone Gravel one foot in thickness extending 10 feet on each side the Crest, thus forming a road of 20 feet in breadth :



This will be the Section of about 22 Miles of the Road, and on the sandy part of the above Section it might be of use to plant shrubs &c., which would have the effect of binding the sand. The remaining  $3\frac{1}{2}$  Miles running either over Gravel or clay and generally on the side of hills where the sections will be guided by the Situations.

The principal obstacles in forming a road over the Sands will be the difficulty of obtaining Material, and the expense of carriage in transporting it from distant points.

I have calculated that for  $16\frac{1}{2}$  miles of the Road material may be found at  $\frac{1}{2}$  mile from the place of working and that in the remaining 9 it may be found at 1 Mile.

That where the Material is to be found at  $\frac{1}{2}$ , an Ox Cart with 8 Oxen may bring 10 Loads, each containing  $\frac{1}{2}$  cubic Yard, in one day, that where it is more distant the same Cart will bring only 4. That in the first instance 1 Cart will Gravel  $6\frac{3}{4}$  running feet a day, in the second  $2\frac{1}{2}$ .

By the same computation 30 Carts will gravel 30 miles in 908 working days, allowing that the vicinity of the material in the remaining  $2\frac{1}{2}$  miles will allow the road to be formed by

wheel-barrows. As the Material is scattered and in small quantities, I have calculated that each Cart will employ 3 Men to quarry, 2 to fill, 1 to spread the gravel, 1 to prepare the Section of road, besides the Leader and Driver.

This arrangement will take 210 Men, 28 Artificers and 12 Overseers with 40 Men to attend Artificers and for incidental Services, makes 290 men.

Thus with 210 Men to work at such parts of the Road as be near the Material and which can be gravelled by wheel-barrows, or to form detached parties of quarrymen to be sent forward to collect gravel on the proposed line.

I have calculated that 500 Convicts may be employed on the road for the first year and 300 for the remaining 2 Years, and that the Carts and Artificers will be required during the whole period.

The following party is estimated for in the first year, viz.:

2 Superintending Officers each having forage for 1 horse,  
6 Superintending Serjeants,  
500 Convicts,  
67 Drivers, Leaders and Herdsman.

Of the 500 Convicts 12 will have a limited charge over small parties, 28 will be Artificers in the following proportion : viz., 4 Carpenters, 8 Masons, 2 Smiths, 4 Wheelwrights, 2 Collarmakers, 8 Miners, and 460 will be laborers.

At the end of the first year when the party is reduced the Overseers and Artificers will also be diminished.

The Masons will be employed in building large open drains across the road where the accumulation of water may require them.

The Miners principally in blasting Stone for the Masons, there being little loose stone on the Flats. The Carpenters and Smiths in repair of Tools, the Wheelwrights in repair of Carts, and the Collarmakers in keeping the harness in an efficient state.

As Convicts are calculated on in the execution of this Service, I have estimated the Allowance granted to them at the following rates, viz. :

To the Artificers and Overseers of parties 4d. a day and a pint of wine, and to the Labourers 1 pint of Wine. It being

understood that this Allowance may in both cases be withheld—  
at the pleasure of the Superintending Officer.

The Estimate Amounts to Eight thousand, three hundred  
and ninety-nine Pounds 5s. 1½d., and it is calculated that the  
Service may be performed in about Three Years. I have &c.

(Signed) C. ROSE, Lieut. Royal Engineers.

Major Holloway, Commanding Royal Engineers.

[Original.]

*Letter from* LORD CHARLES SOMERSET *to* R. W. HAY, ESQRE. *7 Aug*

48 LOWER GROSVENOR STREET,  
LONDON, 7th July 1826.

SIR,—I have the honor to transmit to you Copy of a Return  
of the Regimental School of the Cape Corps, dated 11th of  
April last, by which it will appear that there are 195 Hottentots  
under Instruction, not including one whole Troop (60 Rank  
and File) stationed at the Kaka Berg Post.

I am desirous of bringing this Return under Earl Bathurst's  
Notice, as so much has been said in this Country in and out  
of Parliament relative to the neglect with which the Hottentot  
Community is treated at the Cape, and it probably will occur  
to His Lordship that no measure that could be adopted by  
Government could so promptly and directly as well as perhaps  
so economically contribute to the civilisation and instruction  
of the Hottentot Community as the advantages arising from  
forming them into a Military Corps with the attention that is  
at present paid to their moral instruction and the general  
habits of their Wives and Children, which I can assert from  
personal observation is as advantageous to the Individuals as  
it is creditable to those who have brought that branch of the  
Regimental Establishment to the state of efficiency in which  
it now is. I have &c.

(Signed) CHARLES HENRY SOMERSET.

## REMARKS.

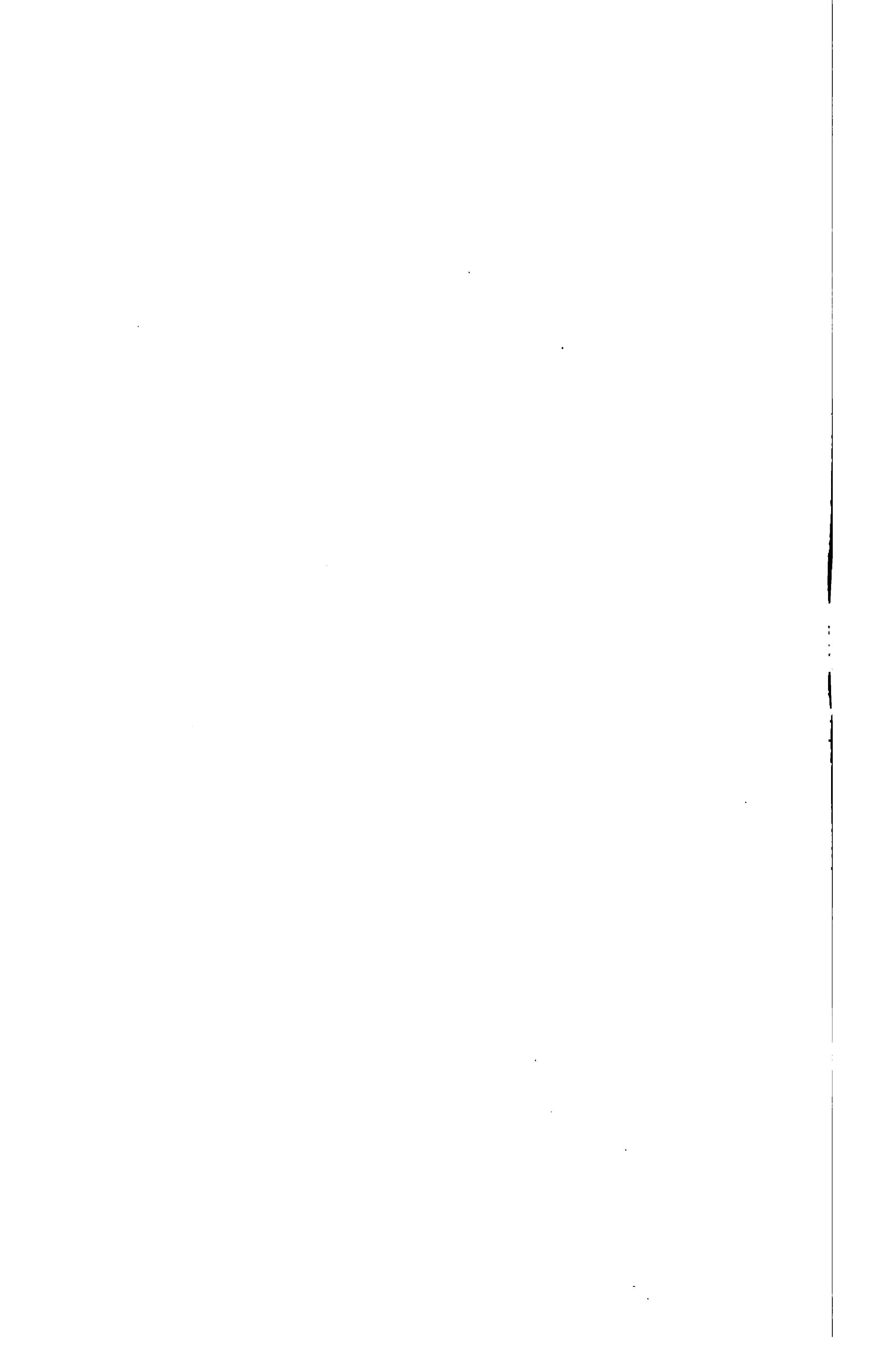
- From Eerste River 17 miles  
abrug River 26 miles
- The material for the first 2 miles is from Stone and in plenty for the next 3 but little material of any kind for the next 3 Sand stone is plenty but too soft for use for 4 scarcely any material for the remaining 10 miles from gravel Granite and hard sand stone are to be met with in sufficient quantity.
- For 1/2 mile from stone in plenty for the next 11 miles material both scarce and bad at 16 miles a bed of Iron Stone for 3 miles no material of any kind for the remaining 3 Sandstone granite and gravel in sufficient quantity For 2 miles from the Krule River towards Stellenbosch no material for 8 miles gravel sand stone and granite in sufficient quantity.
- For 1/2 mile from stone in plenty for the next 18 material scarce and bad for 13 miles no material for 5 miles no want of ironstone gravel and sandstone. For 3 miles from the Krule River towards Stellenbosch where the road joins the 2<sup>nd</sup> line material is scarce.
- From Eerste River 21 miles  
abrug River 22 miles
- For 1/2 mile from stone in abundance for 3 miles material at scarce and bad for 3 miles hard sand stone for 8 miles material bad for 3 miles Sand Stone and Iron Stone to be met with but scarce.
- From Eerste River 20 1/2 miles  
abrug River 21 miles

Good Hope

Legal paper on Office  
25<sup>th</sup> March 1826

M. H. Holloway  
C. Queen & Son





[Enclosure in the above.]

Cape Corps.

*General Return of the Non-Commissioned Officers, Trumpeters, Buglers, Privates and Children attending the Regimental School, Graham's Town, Cape of Good Hope, 11th April 1826.*

Distribution.	Sergeants.	Corporals.	Trumpeters and Buglers.	Privates.	Children.		Total.
					Males.	Females.	
Cavalry . { Europeans .	2	—	—	1	2	2	7
	Natives .	6	13	2	9	20	52
Infantry . { Europeans .	—	—	—	—	5	6	11
	Natives .	7	9	2	54	56	143
Total attending .	15	22	4	18	70	84	213

(Signed)

HENRY SOMERSET,  
Lieut. Colonel Cape Corps.

[Original.]

*Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.*

48 LOWER GROSVENOR STREET,

LONDON, 7th July 1826.

SIR,—I do myself the honor to transmit to you a letter from the Reverend Mr. Judge, Master of the Grammar School at the Cape of Good Hope, pressing the necessity of erecting a large School Room, in order to accommodate the number of pupils who, I learn, he is now compelled to reject for want of such accommodation.

An Estimate has been made of the expence of this Building, but a copy of which appears to have been omitted to be included in the papers I have brought home. The amount, however, was I think about £600 Sterling. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 8 July 1826.

SIR,—I have to acknowledge the receipt of your dispatch No. 10, of the 14th of April last, and to acquaint you in reply, that I approve the arrangement which you have made for increasing the pay of the Boat's Crew attached to the Office of the Captain of the Port at the Cape. I am &c.

(Signed)      BATHURST.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.*

Mr. Hay presents his Compliments to Lord Charles Somerset, and has the honor to enclose for his Lordship's information an Abstract Statement of the Expenditure which has been incurred for the Government Farms at the Cape from 1814 to 1823.

Mr. Hay likewise encloses the Draft of his Lordship's proposed letter upon the subject of these Farms, respecting which he would be glad to have some communication with his Lordship.

DOWNING STREET, 8 July 1826.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to LORD FITZROY SOMERSET.*

DOWNING STREET, 8 July 1826.

MY LORD,—I have received Earl Bathurst's directions to transmit to your Lordship herewith enclosed a copy of a dispatch which has been received from Major General Bourke the Officer administering the Government of the Cape of Good Hope soliciting for the reasons therein stated that leave of absence for two years may be granted to Major Dundas of the Royal

Artillery ; and I am to desire that your Lordship will lay this application before His Grace The Master General of the Ordnance, for his favorable consideration. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

*Letter from R. W. HAY, Esqre, to JOHN WALKER, Esqre.*

DOWNING STREET, 8 July 1826.

SIR.—I have laid before Earl Bathurst your letter of the 5th instant in which you request his Lordship's favorable consideration in regard to your Son who is at present residing at the Cape of Good Hope ; and I am directed to acquaint you in reply that his Lordship has directed such enquiries to be instituted in that Colony as may enable his Lordship to ascertain whether in the event of your Son's being at present employed in any official situation in that quarter, it may be in his Lordship's power to comply with your application in his favor. . I am &c.

(Signed) R. W. HAY.

[Original.]

*Letter from MR. JOHN CARNALL to EARL BATHURST.*

35, ABCHURCH LANE, LOMBARD STREET,  
8th July 1826.

MY LORD.—In addition to those sufferings I have detailed to your Lordship, from the oppression and illegal measures of Lord Charles Somerset, I have now to state a case of such wanton cruelty inflicted by him, that I think no other appeal to your Lordship's justice and humanity will be required. Your Lordship is aware that my sentence of banishment was an aggravation of from two to five years, in the appeal of the public prosecutor, a proceeding so despotic and unwarrantable,

as to form of itself a powerful claim on the leniency of His Majesty's Government, even on the assumption that I was guilty of the offence imputed to me, but which the evidence adduced on the trial utterly failed to prove. I advert to this circumstance merely to call your Lordship's attention to the degree of right it necessarily gives me to calculate, that Lord Charles Somerset would stay his vindictive proceedings, and manifest some forbearance to the man whose property he had acquired the power of annihilating by despotically removing him from its control.

About four years since I purchased an estate called Sussex-place, near Wynberg, Cape of Good Hope, for the sum of 20,000 Rixdollars, paying one third of the purchase-money prompt, and giving mortgage bonds for the remainder, at one and two years. These were subsequently redeemed, with the exception of one amounting to 2,700 Rixdollars due in March 1823, and lying in the hands of Lord Charles Somerset's agent, Mr. Stoll ; the interest accruing on this bond was regularly paid, and no application was made for its discharge *till after my imprisonment* on the prosecution, which terminated in my banishment from the colony. Only a few days previous to my embarkation, Mr. Stoll wrote to me demanding payment of the mortgage bond held by him on account of his Lordship ; to this application I replied, that the criminal prosecution just ended had compelled me to sell my moveable property ; the net proceeds of which, amounting to 3,326 Rixdollars, was attached by the Court of Justice until all the expenses of the trial were paid ; 2,000 Rixdollars of which sum was in the hands of the fiscal as security for my daily appearance at the town gaol till the period of embarkation ; and that as from the extravagant nature of the charges on the prosecution, I could not calculate receiving more than a balance of 1,500 Rixdollars, this sum I would assign to his Lordship with the ensuing year's rental of the estate amounting to 1,500 Rixdollars more, in discharge of his bond ; this proposal was, however, rejected, and I was compelled to leave the affair of the arrangement to my agent, Mr. Townsend of Cape Town, as my departure was instant and compulsory ; nor on the very morning of my embarkation would His Majesty's fiscal refund the 2,000 Rixdollars deposited with him as security for my appearance,

although the purpose for which it was exacted had ceased to exist.

In the month of April 1825, my agent was again applied to by Mr. Stoll for the liquidation of his Lordship's bond, but the enormous expenses of the trial had rendered the balance of my property utterly inadequate to its discharge, and a sale of my estate under sequestration was immediately threatened. This threat has now been carried into execution, as appears by public advertisement in the *Cape Town Gazette* of 18th of last April ; and thus, in addition to an arbitrary and illegal banishment, at the personal instance of his Lordship, after an unjustifiable severity of imprisonment, I find myself in a state of utter destitution in this country, every prospect of competence blasted, which a long course of industry in my calling had justly warranted, and the fruits of that industry annihilated by legal rapacity and the cupidity of a speculating Governor.

It would be superfluous to offer any comment to your Lordship upon a proceeding so unjust, so mean, and so despicably little-minded, as it would be offensive to suppose for an instant that your Lordship can regard it in any other light but as a key to these vindictive measures on the part of Lord Charles Somerset. It may be proper to remind your Lordship, that the ground of my trial and banishment was a suspicion of having aided in the escape of William Edwards, who was under sentence of transportation for threatening to expose the private history of his Lordship during his government at the Cape.

I most respectfully entreat that your Lordship will give my case your earliest attention, not merely from the fact, that if I have experienced injustice, it is increased by every hour's delay in affording me redress, but that my situation is in consequence one of absolute distress and privation.

I have &c.

(Signed) JOHN CARNALL.

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## [Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 9 July 1826.

SIR,—I transmit to you enclosed a copy of a communication which has been received from Lord Charles Somerset, upon the subject of the Tax which you have recently been directed to impose on all Slaves between the age of eight and sixty.

You are aware that this measure was adopted upon the recommendation of His Majesty's Commissioners of Enquiry, although I now learn with surprize and regret that they have omitted to consult the Colonial Government upon a question of so much importance.

It will be necessary, therefore, to invite the Commissioners if they should still be in the Colony, to reconsider the whole subject, in order that they may in concurrence with the Council, before whom you will lay Lord Charles Somerset's communication, enable you to report to me on the following points :

1st. Whether there be any fundamental objection to a tax on Slaves, or to the rate at which it has been proposed to fix such tax.

2nd. Whether it be advisable to allow any and what exceptions to the application of the tax.

If, in reporting on the first point, the Council should be of opinion that the tax on Slaves is objectionable, it will be incumbent upon them at the same time to propose some other tax equally productive, which it might, in their opinion, be more advisable to adopt.

In suggesting any exceptions, however, which might be made to the application of the tax generally, the Council will take care that the exceptions be not so numerous as to defeat the object of the tax ; as they must always bear in mind the necessity of making the Revenue equal to the Expenditure. I am &c.

(Signed)      BATHURST.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.*

DOWNING STREET, 9th July 1826.

MY LORD,—I have had the honor to receive and to lay before Earl Bathurst your Excellency's letter of the 6th instant enclosing a proposal from Mr. Atherstone for the Establishment of a Scientific Institution at the Cape of Good Hope.

I have &c.

(Signed)      R. W. HAY.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.*

DOWNING STREET, 10th July 1826.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's letter of the 7th instant together with its enclosures upon the subject of the proposal for making a road over the Cape Flats to Stellenbosch, and I have submitted it for Earl Bathurst's consideration.

His Lordship regrets that under present circumstances he does not feel himself justified in authorizing your Excellency's Government to undertake a work which would entail so great an expence upon the Colony.

With reference to the question of sending Male Convicts to the Cape of Good Hope, I beg to acquaint your Lordship that Earl Bathurst will feel happy in receiving any remarks which your Lordship may wish to make upon the subject.

I have &c.

(Signed)      R. W. HAY.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.*

DOWNING STREET, 10 July 1826.

MY LORD,—I have had the honor to receive and to lay before Earl Bathurst your Lordship's letter of the 7th instant covering a letter from the Reverend Mr. Judge, Master of the Grammar School at the Cape of Good Hope, in which he points out the necessity which exists for erecting a large Schoolroom in order to provide for the better accommodation of his Pupils ; and I am directed to acquaint you in reply, that Earl Bathurst regrets that, under existing circumstances, he does not feel himself at liberty to accede to your Lordship's request.

I have &c.

(Signed) R. W. HAY.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to SIR R. PLASKET.*

DOWNING STREET, LONDON, 10 July 1826.

SIR.—I am directed by Earl Bathurst to transmit to you enclosed a copy of a letter which has been received from Mr. John Walker in which he directs his Lordship's favorable attention to the situation of his Son, who is stated to be employed under the Government of the Cape of Good Hope ; and I am to request that you will institute such enquiries in regard to this young gentleman, as may enable his Lordship to decide whether he will be justified in bettering his condition should an opportunity offer for so doing. I am &c.

(Signed) R. W. HAY.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to WILLIAM HILL, ESQRE.*

DOWNING STREET, 10 July 1826.

SIR,—I am directed by Earl Bathurst to transmit to you enclosed a copy of an application which has been received from the Colonial Agent for the Cape, with an estimate of the sum which he will require in order to answer the demands which may be made upon him during the current quarter ; and I am to desire that you will lay these papers before the Lords Commissioners of the Treasury and move their Lordships to give directions for issuing to Mr. Courtenay such a Sum as may appear to them sufficient to provide for the services of the current quarter. I am &c.

(Signed)      R. W. HAY.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to MR. CHARLES D'ESCURY.*

DOWNING STREET, LONDON, 10 July 1826.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of your letter of the 29 of April last, in which you apply to be appointed to the situation of Auditor to the Government of the Cape of Good Hope in the event of the resignation of Mr. Bentinck ; and I am to acquaint you in reply that his Lordship is not aware that it is in the intention of Mr. Bentinck to relinquish his situation, but should that be the case, his Lordship will then take your application into consideration.

I am &c.

(Signed)      R. W. HAY.

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[Copy.]

Private Ordinance. (Signed) RICHD. BOURKE.

Ordinance of His Honor the Lieutenant-Governor in Council,  
For releasing the Place Roodebloem from the Entail of  
Fideicommis.

Whereas a Petition has been presented to His Honor the Lieutenant-Governor at the Cape of Good Hope, by the joint Heirs of the late Widow Hendrik Oostwald Laubscher, praying that the Place Roodebloem, part of the Estate of the said Widow, may be released from the Entail of Fideicommis, in which the same is given to the late Hendrik Oostwald Laubscher by a Codicil bearing date the 19th October, 1781, added to the joint Will of the late Pieter Laubscher and his late Wife Johanna Eksteen, which was passed by the said Testators on the 20th December, 1779, before the Chief Clerk in the Colonial Office, Mr. J. M. Horak :

And whereas the said Petition has been referred to the Worshipful Court of Justice, who have thereupon heard the Parties interested, and, with their consent, have recommended a compliance with the prayer thereof, be it therefore hereby declared and enacted, That from and after the date of these presents, the aforesaid Estate called Roodebloem is free from the Entail imposed thereon by the aforesaid Codicil, save and except in so far as it has been therein declared to be the will of the aforesaid joint Testators, that the Burying Place on the said Place Roodebloem, with the Wall round the same, shall as such remain the common property of all their Descendants, with liberty to any one of them to select the same for him or herself, as the place where his or her body shall be buried,—it being the intention that this part of the Codicil shall remain in full force and effect ; and it shall be incumbent on the future Owners and Possessors of the Place Roodebloem to allow the Descendants of the aforesaid Testators a free passage through the Place Roodebloem to the said Burying Place, whenever it shall be thought by them requisite for the purpose

of repair or improvement to be made in or at the said Burying Place, or the surrounding Wall thereof.

God save the King !

Given at the Cape of Good Hope, this 10th day of July, 1826.

By Command of His Honor the Lieutenant-Governor,

(Signed) R. PLASKET, Secretary to Government.

By Order of the Council,

(Signed) D. M. PERCEVAL, Clerk of the Council.

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[Original.]

*Letter from MR. JOHN MILTON and others to EARL BATHURST'S SECRETARY.*

MANCHESTER, July 10th 1826.

SIR,—Your humble petitioners respectfully solicit to obtain from his Lordship the honourable Lord Bathurst Minister for the Foreign Department a favour to go as Colonists to his Majesty's colony the Cape of Good Hope and there to settle near Graham's Town amongst the English settlers as we have had a letter from Jeremiah Long who went out with the Manchester Party in 1819 and we the undersigned wish to know on what terms we can go to that Colony to settle there, and an answer will be very thankfully received by your humble servants.

JOHN MILTON  
JOHN TWEMLOW  
JOHN CLARK  
JOHN RICHARDSON

P.S. Address

JOHN RICHARDSON,  
Dog and Volunteer, Chapel Street,  
Salford, Lancashire.

[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 11 July 1826.

SIR,—I have had under my consideration Lord Charles Somerset's dispatch No. 255 of the 7th of January last, enclosing a statement of alterations which have been made in the Civil Establishment of the Colony during the quarter ending on the 31st of December last, and which require my sanction.

In conveying to you my approbation of these several arrangements, I have only to express my hope that you will take care that the additional assistance which has been granted to the Sequestrator shall be made duly available for the purpose of clearing off the arrear business of that Department, and that such assistance be withdrawn when it shall appear to you that it is no longer required. I am &c.

(Signed)      BATHURST.

[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN,  
11th July 1826.

MY LORD,—With reference to your Lordship's despatch of the 6th October last addressed to Lord Charles Somerset, I have the honor to enclose copies of the answers made by Commodore Christian, R.N., and Major Holloway, R.E., to the queries of Mr. Rennie on the subject of a Breakwater in Table Bay, together with a Plan of the Harbour drawn on the scale required by Mr. Rennie. I have &c.

(Signed)      RICHD. BOURKE.

[Enclosure 1 in the above.]

1. An accurate Map or Chart, drawn on a scale of six inches to a mile of Table Bay including Robben Island, and shewing

the adjacent shores, mouths of rivers, Cape Town, its present jetties or landing places, and every remarkable object about it. The Bay should be accurately sounded, and as many lines or sections taken across the anchorage ground as possible, taking particular care to note the depth of low-water, the rise of spring and neap tides, the set of the currents, the nature of the sea shore, whether of rock and of what kind, the angle or slope of the sea shore all round the Bay, but particularly of that part of the Bay whereon the sea beats with the greatest violence, this part as well as the part where the water is most tranquil to be noted.

2. The seasons of the most prevailing wind, and from what part of the compass the greatest seas come into the Bay.
3. Whether in northerly winds ships ever go on shore in the Bay, and at what places.
4. Whether any protection is afforded by Robben Island in north-west winds.
5. Whether northerly gales are ever prevalent in the Bay.
6. Whether ships have ever gone ashore from Cape Town to the Chavonnes Battery.
7. Whether a jetty or breakwater projecting from the Chavonnes Battery, or to the northward of it, would cover the exposed part of the Bay to north-west winds, and how far might the projection extend.
8. The most eligible places for obtaining Granite or Limestone. If it can be got from or near the Lion Hills or the country adjacent (or from Robben Island) and to run down by a rail road to the projected place.
9. The price of masons' and laborers' work.
10. Are there any springs or streams of water that might be conducted from the shore along such a jetty to water the ships from it.
11. It would likewise be advisable to ascertain the height of the waves in severe gales, by erecting a mast or beacon at some convenient places in the Bay, by allowing a float to slide up and down it, and by noting as near as possible its oscillation by means of an instrument placed on shore, or by some other contrivance.

In short any other information that can be furnished.

## [Enclosure 2 in the above.]

ROYAL ENGINEER OFFICE,  
CAPE OF GOOD HOPE, 12th May 1826.

SIR,—I have the honor to acknowledge the receipt of your letter dated 22nd ultimo, enclosing a copy of Mr. Rennie's questions on the subject of a Breakwater proposed to be formed in Table Bay, and agreeably to your directions to give answers thereto. I beg leave to state in reply to the queries 1, 8, 9, 10, and 11, as follows.

No 1. The chart recently formed by Captain Owen, R.N., can be enlarged to the required scale of six inches to a mile, and can be made to convey all the information that is desired.

8. There is not any Lime Stone to be obtained in this part of the Colony. Of granite there is a species near the surface of the ground on that part of the Table Mountain called the Lion's Head; but it is much impregnated with Iron and far from being compact, and I do not think it fit for resisting the action of water. The stone which I should conceive best adapted for a Breakwater in Table Bay is that which is to be found on the Lion's Rump, and consequently in a most favorable situation to be run down by a railway to the Chavonne Battery, the place whence the Breakwater is proposed to spring. The distance is about three-quarters of a mile, and the elevation about 250 feet. The stone to which I allude is a very indurated clay slate, and it extends all the way to the shore, where it shoots into the sea in ledges. It is so extremely hard and compact that the action of the waves upon it for ages appears not to wear it away. The stratum dips at about  $30^{\circ}$ , and is to be cleaved into large blocks of from 1 to 10 tons in weight, the usual average is about 3 tons, and it can be obtained in any requisite quantity. It is of the same description as the common Robben Island stone, which last is constantly worked up for the lining of water courses and found to answer extremely well for that purpose as well as for paving. It would no doubt be desirable for specimens to be sent home.

9. The wages of labour in this Colony are high. The artificers in the Engineer Department at Cape Town are arranged, according to their abilities and conduct in 3 classes, and are

respectively paid at the rates of 4*s.* 6*d.*, 4*s.*, and 3*s.* 6*d.* per day. The merits of each individual are determined upon a report made by a Board of Officers assisted by the overseer and foreman. In like manner a classification of the laborers is made, their rates of pay being 2*s.* 3*d.*, 2*s.*, and 1*s.* 9*d.* per day. Slave labour is commonly rated nearly the same as free, but the assiduity and energy of slaves are of course so greatly inferior that it is highly disadvantageous to public Departments to employ them if free men can be procured. Unfortunately however the wine of the country is so cheap that habits of drunkenness and idleness prevail amongst the Europeans to a great degree.

10. The same stream which is now led to the pier can be readily conducted to a jetty constructed at Chavonne.

11. It would not be difficult to ascertain the oscillation of the waves in times of heavy gales alongside of the present pier, nor would it be very difficult to anchor a mast in the Bay near to the site of the head of the projected Breakwater, but the Engineer Department is in possession of no Instruments whereby oscillations of the waves at that distance from the shore could be noted. Some kind of contrivance if required could I dare say however be hit upon.

With respect to the remaining Items, Nos. 2, 3, 4, 5, 6, and 7, they are so exclusively of a nautical nature that I have had no opportunity of making sufficiently accurate and minute observations to enable me to give a satisfactory reply to them. But trusting it will not be deemed too presumptuous my hazarding an opinion on the subject of forming a Breakwater, I beg to say that although little doubt can be entertained of the practicability of constructing such a work in Table Bay, and although the contiguity of proper stone offers facility to its execution, as well as the cheapness of provisions &c. to the employment of convicts in order to lessen the expense, yet the advantages to be derived from the undertaking appear to me very problematical. The sea in the Bay does not run so high as to cause damage to the ships so long as they continue at their anchorage ; it is only when cast ashore by the breaking of cables or anchors or by drifting that loss occurs. The violence of the wind is very great, but a Breakwater would but little remedy the evil resulting from that cause when no sea is

running, as in the instance of the offshore summer South-East winds ships are frequently driven from the Bay out to sea.

The disadvantages to the Bay that would on the other hand however result from the formation of a Breakwater projecting from the Chavonne are serious and manifest. I may state the last mentioned case of the furious South-East winds, it would be almost impossible for a ship driven from her anchors to get a sufficient loose to clear the head of the Breakwater, and consequently she would have no chance of escape. Again the effects of a Breakwater, particularly if joined to the shore, would be, it is much to be apprehended, very detrimental, since the depth of water in the Bay, already considered shallow, would be lessened by the sands being accumulated, as well those blown off in clouds from the land during the prevalence of the South-East winds as those swept by the North-West winds from the beach which extends from the Salt River to the present jetty. (I have myself observed that the northerly winds in winter draw into the Bay from the mouth of the Castle Ditch and from under the Imhoff Battery immense banks of sand.)

Further, if the Breakwater were to be damaged during severe gales, the stones of which it would be composed might be carried towards the anchorage, and thereby tend to render it foul. Since therefore the advantages to be derived from a Breakwater are doubtful, but the disadvantages certain, I should, with all humility, conceive that if safe moorings were to be laid down in the manner which I have heard has been proposed by Commodore Christian, it would be a more advisable measure in all respects. At least a trial on a small scale could be readily made, and the adequacy of the plan proved at a trifling expense ; and if not liked, the moorings could be easily taken up again without injury to the Bay, whereas the usefulness of a Breakwater cannot be ascertained till the whole, or nearly the whole be completed, an immense expense incurred, and if not found to answer there would be no remedy, since the removal of the structure would be impossible. I have &c.

(Signed)      W. C. E. HOLLOWAY,  
Major Commanding Royal Engineers.

His Honor Major-General R. Bourke, Lieutenant Governor.

[Enclosure 3 in the above.]

*Owen Glendower, SIMON'S TOWN, 30th March 1826.*

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's letter of the 26th ultimo covering an extract of a Dispatch from Earl Bathurst with certain questions from Mr. Rennie, the Engineer, respecting Table Bay. I now therefore beg leave to lay before your Excellency my answers on that subject. I have &c.

(Signed)      HOOD H. CHRISTIAN, Commodore.

His Excellency Lord Charles Somerset.

[Enclosure 4 in the above.]

No. 1. Requires a Copy of Captain Owen's Chart of Table Bay enlarged on the scale of six inches to a mile.

2. The prevailing wind from October to April is South-East, and the strongest from this quarter January, February, and March. The prevailing winds from April to October are strong West and South-West with fogs and cloudy weather, but from June to October the strong North-West gales are the most violent, lasting for several days together, sometimes accompanied with lightnings, hail showers, or rain. Ships have suffered from these gales in November, viz. His Majesty's ship *Sceptre* and several other ships were wrecked in 1799.

3. Yes, close inside to the North-East of the Town upon a hard sandy beach.

4. None whatever, it being distant six miles north from the anchorage, which is therefore open to the north-west 6 miles north-east and south-west, consequently the sea rolls in through that distance.

5. Very often in the months above stated, but the sea rolls in from the north-west, and the northerly gales generally break up by a heavy squall from the north-west.

6. None driven on shore to my knowledge, because ships lie outside, that is large ships and small ships driving off the Bank in heavy south-east gales are always set by the current clear of the Chavonne Battery. There is a great indraught

through the north-west passage, which sets ships towards the Whale Rock and Robben Island.

7. It would, if carried out the distance of one mile with sufficient strength to resist the force of the sea, protect small ships, but large ships lie too far out as above stated to be protected by any such projection from the Chavonne Battery unless it was extended two miles.

8, 9, and 10. I don't know.

11. In my humble opinion that would be very difficult. I beg to add that Table Bay is not only shallow, but is gradually becoming shallower, and His Majesty's ship *Tremendous* lying the outmost of five men-of-war in a north-west gale was almost in the breakers, that is the sea broke under her stern in seven fathoms water, the ship's anchors lying in eight fathoms three miles from the beach. In ordinary gales the surf breaks from one to two miles off shore, or appears to do so, in short in a really heavy north-west gale from the Chavonne Battery to the south-east shore the sea has all the appearance of breakers, it curls round the Chavonne and Amsterdam Batteries in an extraordinary way, and in my humble opinion with such irresistible violence that it would prove less expensive to excavate a Mole between these Batteries and so make a harbour (as has been done in Wales) than to attempt any projection into the sea.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to the COMMISSIONERS OF THE NAVY.*

DOWNING STREET, 11 July 1826.

GENTLEMEN,—Having laid before Earl Bathurst your letter of the 8th instant, I am directed to acquaint you that it is his Lordship's desire that the Individuals for whom Passages were ordered in my letter of the 6th instant should be supplied with other than the usual Soldiers' Rations. I am &c.

(Signed)      R. W. HAY.

[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 12 July 1826.

SIR,—I have had under my consideration Lord Charles Somerset's dispatch No. 268 of the 12th of February last, together with an application from Mr. Chabaud, and one from the Reverend Francis McCleland the Clergyman of Port Elizabeth, all representing the propriety of allowing to Mr. McCleland a house for his residence ; and I have to desire that you will take measures for accommodating that Gentleman with a decent dwelling house ; but if this cannot be done without building a residence for him, it will be sufficient to assign to him for the present a moderate allowance for house rent.

Mr. McCleland's wish to have a piece of land for a garden should also be complied with. I am &c.

(Signed)      BATHURST.

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[Original.]

*Letter from LORD FITZROY SOMERSET to R. W. HAY, ESQRE.*

OFFICE OF ORDNANCE, 12th July 1826.

SIR,—Having submitted to the Master General your letter of the 8th instant with the accompanying copy of a dispatch from Major General Bourke, the officer administering the Government of the Cape of Good Hope, soliciting as a matter of expediency that leave of absence for two years may be granted to Major Dundas of the Royal Artillery, who has been nominated the Landdrost of the Albany District, I am directed by His Grace to acquaint you for the information of Lord Bathurst, that he had refused Major Dundas's application to that effect, but that in consequence of His Lordship's desire leave for six months at a time will be granted to that officer until the two years are expired. I have &c.

(Signed)      FITZROY SOMERSET.

[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 13 July 1826.

SIR,—I have had under my consideration Lord Charles Somerset's dispatch No. 275 of the 21st of February last, reporting the appointment of William Hewitson Esq. as President of the Lombard and Discount Bank in the room of Mr. A. V. Bergh, whose infirmities no longer enable him to discharge the duties of that Office ; and I have the honor to acquaint you that in consideration of Mr. Bergh's having been for 42 years in the service of the Colony, I am prepared to sanction the issue to him for the present of one moiety of the Salary which he enjoyed as President of the Bank. I am &c.

(Signed)      BATHURST.

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[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN,  
July 13th 1826.

MY LORD,—I have the honor to enclose the copy of a letter received by the Chief Secretary to Government from Mr. D'Escury, Inspector of Government Lands and Woods, upon the subject of the clause prohibiting slave labour which by instructions contained in Your Lordship's despatch of the 20th May 1820 was inserted in the new grants of land made in the district of Albany, and which it should appear from the despatch of the 9th January last to be Your Lordship's intention to extend to the whole of the Frontier Districts of this Colony. The observations of Mr. D'Escury are made with a perfect knowledge of the subject, and he has anticipated some which it was my intention to bring under Your Lordship's notice.

Conceiving that by the *Frontier Districts* Your Lordship has not meant the whole of Somerset, Graaff Reinet and Worcester, the latter extending inwards to within about fifty miles of Cape Town and into the Wine Country where Slaves are principally employed, I venture to submit to Your Lordship the

expediency of limiting the operation of the prohibitory clause, by taking a certain distance from the boundary line of the Colony in the whole of its extent from the mouth of the Great Fish River on the Eastern coast to that of the Sea-Cow River on the western, and confining the introduction of the clause into grants of land within that space. I would propose that the extent of thirty miles should be taken as the mean distance and ascertained by natural boundaries to be marked on the surveys of the several districts and recorded in the Offices of the Landdrosts and in the Inspector's and Secretary's Offices in Cape Town. A measure of this sort would, I am convinced, answer the proposed object of the clause without being prejudicial to the interest of the Colony in general, or vexatious to the Inhabitants already possessed of Slaves. I am myself sincerely anxious as well from feeling as from a desire to carry Your Lordship's benevolent intentions into effect, to prevent the extension of Slavery by the acquisition of new Slaves from the Nations on our borders; and I am of opinion that the measure I now propose aided by the provisions of the Slave Registry Act, and more than either by the knowledge now possessed generally by the Border Tribes that slave dealing is not permitted amongst us, will effectually prevent such an evil. From the proposed arrangement I would except the new district of Albany, in the whole of which the clause may be rendered operative without inconvenience.

If Your Lordship should not feel disposed to sanction this arrangement and should desire that the term *frontier districts* should absolutely include together with Albany the whole of Somerset, Graaff Reinet and Worcester, I would most earnestly recommend the omission of the clause with respect to all those lands which were ordered to be measured before its extensive operation was ascertained. I need hardly add that otherwise it will be absolutely necessary to repay with interest to all those persons who may be compelled to refuse their grants on account of this clause, the sums which they advanced for Surveys on their application for the land being acceded to. I should add that great, perhaps insurmountable difficulty will occur in endeavouring to remove those persons who according to common tho' illegal custom may have occupied the land immediately on its being measured, and before the grants were

made out, an interval which owing to official delay has in some cases extended to three or four years, during which time the occupant has devoted his time and capital to the improvement of the land.

It is my intention to decline acceding to any applications for the grant or measurement of land in any of the frontier Landdrostships on account of the clause in question, as well as for other reasons, until Your Lordship's reply to the proposal I have now the honor to forward shall be received.

From the best consideration I have been able to give the subject, aided by the advice of intelligent and well disposed persons long and intimately acquainted with the Colony, I am justified in pressing Your Lordship to an early and favorable consideration of the two points I have had the honor to submit. First that all those Persons for whom land has been measured and who have paid for the Surveys without any intimation that the clause against Slave labour was to be introduced into the Grants, shall receive their deeds without such restriction, and secondly that in future grants of land the clause shall be introduced only where the land to be conveyed is situated within that distance of the boundary of the Colony which I have already described.

I have to add that the Colonial Government does not appear to have understood that it was Your Lordship's wish to extend the operations of the restrictive clause beyond the district of Albany, and in consequence several grants made in Graaff Reinet and Worcester since the receipt of Your Lordship's despatch of the 20th May 1820 have not contained it. On receipt of that of the 9th January last I directed the clause to be inserted in some grants which had been prepared without it by Lord C. Somerset's desire, but the execution was suspended in consequence of a communication on the subject from the Commissioners of Inquiry. I directed the Landdrost to make known to the Grantees the insertion and nature of the clause, and to give them an option to accept or refuse the grant as they shall think fit, without prejudice to the priority of their claims if Your Lordship shall think proper to sanction the arrangement I have now the honor to submit. I have &c.

(Signed) RICHD. BOURKE.

[Original.]

*Letter from MAJOR-GENERAL BOURKE to the COMMISSIONERS OF ENQUIRY.*

CAPE TOWN, July 13<sup>th</sup> 1826.

GENTLEMEN,—Referring to Earl Bathurst's instructions requiring the prohibition of Slave labour upon newly granted lands in certain districts of this Colony as contained in His Lordship's despatches of the 20th May 1820 and 9th January 1826, copies of which have been laid before you, I have the honor to enclose the copy of a letter addressed to Sir Richard Plasket by Mr. D'Escury, Inspector of Government Lands, on the subject ; and to inform you that it is my intention to forward a copy to Earl Bathurst and to propose that the operation of the clause prohibiting slave labour should be limited to a certain distance from the boundary line of the Colony, in the whole of its extent across the Continent from the Eastern to the Western Oceans. The mean distance I would take at thirty miles within that boundary, to be ascertained by natural lines of Mountains or Rivers to be marked on the Surveys of the Districts and recorded in the offices of the several Landdrosts and of the Inspector of Lands and Chief Secretary in Cape Town. From this arrangement however I would except the district of Albany, in the whole of which the restrictive clause may be continued without inconvenience.

As I have reason to believe that Earl Bathurst has been chiefly influenced by your recommendation in the decision which he has lately made on this subject, I have thought it expedient to make this communication to you, that you may be aware of the modification of the restrictive clause which I propose to submit for His Lordship's consideration, and in which, from the knowledge you possess of the state of the Land tenure in the Colony, I hope to obtain your concurrence.

I have &c.

(Signed) RICHD. BOURKE.

## [Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 14 July 1826.

SIR,—I have the honor to acknowledge the receipt of your despatch No. 15 of the 29 of April last, in which you transmit, conformably with my instruction of the 7th of October last, a Statement of all Salaries which having been encreased without my sanction, have been suspended from the period for their payment, which followed the receipt of my instruction in the Colony.

In my dispatch of the 8th March last, I have stated that I was at a loss to understand upon what grounds the Salaries of the Superintendent and of the Gardener of the Government Gardens had been fixed at the same amount; and I have also expressed my desire to know what were the duties of the Overseer at Camp's Bay.

With these exceptions I am not disposed longer to withhold my sanction from the several encreases of existing Salaries which you have brought under my consideration. I am &c.

(Signed)      BATHURST.

## [Original.]

*Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.*

48 LOWER GROSVENOR STREET, LONDON, 14th July 1826.

SIR,—I do myself the honor to acknowledge the receipt of your Letter of yesterday's date with an Enclosure from James Thomas Erith (which I herewith return) on the subject of a claim set up by him for the value of Cattle captured from him by the Caffres and an advance of Money he states to have received from the Colonial Government on that account.

In reply thereto I beg leave to state, that I do not recollect that proof was ever adduced of Mr. Erith's having a claim for Cattle stolen by the Caffres; but in consequence of Mrs. Erith asserting the great distress and Destitute Situation in which she and her family were left at the Cape, it was proposed to

allow her Thirty Rixdollars per mensem until she could get an opportunity to return to England. The Thirty Rixdollars, alluded to by Mr. Erith, was therefore advanced upon that Plea, strengthened by his wife's repeated assertion of having been a Sufferer by Cattle stolen by the Caffres.

I must however observe that no one has a *claim* on the Government for Stolen Cattle, but from a principle of Equity the Government has always compensated, by distributing Cattle retaken from the Caffres, persons who have suffered from their Depredations, as far as it was in its power to do.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.*

DOWNING STREET, 14<sup>th</sup> July 1826.

MY LORD,—I am directed by Earl Bathurst to transmit herewith enclosed for your Excellency's consideration a letter which has been received from Mr. Beddy of Dublin complaining that injury has been done to Mr. W. Beddy the Master of the Fernaighan School at the Cape by the opening of another school there with the support and countenance of the Government of the Colony, and I am to acquaint your Excellency that his Lordship will be glad to receive from you any observations which it may occur to you to make upon this application. I have &c.

(Signed) R. W. HAY.

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[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, July 14<sup>th</sup> 1826.

MY LORD,—Previously to the receipt of Your Lordship's despatch of the 9th January last I had caused enquiries to be made of the Landdrost of Somerset as to the occupancy of

part of the neutral territory lying between the Fish and Konap Rivers by the Dutch Farmers at whose instance this land had been measured by order of Lord C. Somerset ; but to which it was intimated no title would be granted until Your Lordship's decision should be received as to the introduction of the clause against slave labour into the Deeds. I learned that forty-six persons had actually taken possession of farms, having in some instances built temporary habitations, and in others irrigated, ploughed, and sown ; whilst seventy-four other persons had appropriated to themselves places for grazing cattle in the same district. Upon the receipt of Your Lordship's despatch which disapproved generally of locating Dutch Boers in the immediate vicinity of Caffres, I directed the Landdrost to order those persons thus illegally occupying the land to remove without delay ; and by a late communication I learn that several are withdrawing in obedience to that order. Those persons who had deposited sums of money to pay for the survey of the lands they applied for, will be reimbursed in the full amount. This portion of the neutral territory will thus again become unoccupied and remain to be disposed of as Your Lordship shall determine upon consideration of what I had the honor to submit in my despatch of the 19th May last.

I have &c.

(Signed) RICHD. BOURKE.

[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, July 14th 1826.

MY LORD,—In addition to what I had the honor to submit for Your Lordship's consideration in my despatch of the 19th May last on the subject of the neutral territory, I have now to enclose the copy of a letter from His Majesty's Commissioners of Inquiry covering one from the Revd. Mr. Brownlee, in which is set forth the foundation of the right to occupy by British Settlers the country between the Great Fish and Keiskamma Rivers upon which the Commissioners propose to locate the

South African Agricultural Company. This right appears to depend upon a verbal consent to such occupation said to have been given in 1820 by the Chief Gaika to the Acting Governor Sir Rufane Donkin. To rebut this claim I enclose the copy of a letter lately received from the Revd. W. Shaw from which it appears that the Chiefs (Pato and Congo by name) to whom this country formerly belonged and who have since the evacuation in 1819 reoccupied part of it by permission of Lord C. Somerset, utterly deny the right of Gaika to dispose of their lands, and disclaim all knowledge of the agreement alluded to by Mr. Brownlee. From these documents it appears, first, that Sir R. Donkin thought it necessary to apply for the *consent* of the Caffres to occupy the neutral territory, and secondly that he failed in applying to the proper persons with respect to the lands in question. I should hope therefore that these Caffres may not be disturbed in the limited possession which they now enjoy. By a late report from Lt. Colonel Somerset I learn that they continue to conduct themselves peaceably, and are every way deserving of the protection of the British Government.

The good conduct of these Caffres when experiencing kind treatment from our hands, and their proximity to the farms of the British Settlers in Albany where labour is so scarce and expensive, induce me to submit to Your Lordship the propriety of allowing such of these persons as offer, to engage as labourers with the neighbouring farmers. I have never yet heard any reason to satisfy me of the inexpediency of this measure. I can neither see any risque of endangering the security of our possessions by admitting a certain number of Caffres as labourers, nor any apprehension of the Settlers retaining these Caffres as Slaves. In the district of Albany in which I propose to allow of these engagements, there are scarcely one hundred slaves, nor are the Caffres at all likely to submit to slavery if it should be attempted to be imposed on them. On the other hand the amicable intercourse which such engagements would produce, the mutual confidence it would establish, the rapid effect it would have in civilizing the habits of the Caffres, as well as the increased cultivation which their labour would accomplish, would be of incalculable benefit to the Colony.

I understand that the Caffres on the Eastern part of the

Albany frontier are anxious to get employment from the neighbouring farmers, and the farmers are no less anxious to engage them. I would therefore request Your Lordship's authority for granting permission to the employment of Caffres as labourers in the district of Albany under such regulations as may be likely to preserve the equitable relation between Master and Servant. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure 1 in the above.]

CAPE TOWN, 3rd June 1826.

SIR,—Adverting to the subject of the claim recently submitted to the Colonial Government by Mr. Shaw on behalf of the Caffre Tribes under Pato and Congo, we beg to enclose for your Honor's information, a copy of a letter that we have received from Mr. Brownlee, by which you will perceive that the Chief Gaika fully understood, and assented to the nature of the arrangement by which it was proposed to locate English Settlers in the Land between the Keiskamma and Fish Rivers, to the exclusion of the native Dutch Boers. We have &c.

(Signed) T. BIGGE,  
W. M. G. COLEBROOKE,  
W. BLAIR.

His Honor Major General Bourke.

[Enclosure 2 in the above.]

BETHELSDORP, 16th May 1826.

GENTLEMEN,—I had the honor of receiving your letter of the 14th ultimo, and in answer to your request I communicate the following information.

I was present at the interview between the Acting Governor Sir Rufane Donkin and the Caffre Chief Gaika in May 1820, at the Camp near Willshire Barracks.

The Acting Governor stated to me in conversation previous to the interview with Gaika that he expected General Campbell, with a number of Settlers from Scotland, and as there was no suitable place to locate them in Albany, he wished to have

Gaika's consent to occupy the country between the Keiskamma and Fish rivers ; he wished Gaika to be particularly informed that the country would not be given to Boers, but to civilized Englishmen, and without Gaika's consent he would never occupy that tract of country.

Gaika gave his full consent to the measure proposed by the Acting Governor, and from subsequent conversation I had with Gaika at different periods, I have every reason to believe that he fully understood the nature of the arrangement, as he repeatedly enquired when the Settlers would be out, and if they were not arrived at Cape Town. I have &c.

(Signed) J. BROWNLEE.

His Majesty's Commissioners of Enquiry.

[Enclosure 3 in the above.]

WESLEYVILLE, CAFFRELAND, June 23rd 1826.

SIR,—I have the honor to acknowledge the receipt of your letter dated the 8th inst., and beg leave to state in reply thereto that I was entirely ignorant of the "Chief Gaika having given his full consent to Sir Rufane Donkin, that the country between the Fish River and the Keiskamma should be occupied by British Settlers," and I have also to state that the Chiefs Pato and Congo disclaim in the most positive manner having had any knowledge of that arrangement.

Agreeably to His Honor's desire I have inquired of these Chiefs whether Gaika had or has any right to dispose of the neutral territory, to which inquiry Pato and Congo explicitly reply, that according to the peculiar laws and usages of the Caffre nation, Gaika neither had nor has any right to dispose of that part of the neutral country formerly belonging to their tribe, without their previous consent ; and they further remark hereon, that they are persuaded, were they confronted with Gaika before any of the Colonial authorities, that Chief would not in their presence lay claim to such a power. I have &c.

(Signed) W. SHAW

The Secretary to Government.

[Original.]

*Letter from MR. JAMES THOMAS ERITH to R. W. HAY, ESQRE.*

14th July 1826.

SIR,—I am sorry to again trouble you for the documents I named in my letter of yesterday sent in for the perusal of the Right Honorable Earl Bathurst ; being of immediate importance to me, I shall feel obliged by your having the goodness to return them, for which purpose I am now in waiting. I have &c.

(Signed) JAMES THOMAS ERITH.

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[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 15 July 1826.

SIR,—I have had under my consideration a Report from His Majesty's Commissioners of Enquiry on a Memorial from Mr. Hugh Huntley, an Inhabitant of Uitenhage, complaining of the acts of the Colonial Government in having subjected him to trial in the year 1820, on a charge of libel against Lieutenant Colonel Cuyler, the Landdrost of that District, in a Memorial which Mr. Huntley had addressed to the Acting Governor Sir Rufane Donkin ; and as there are some circumstances in this case which have appeared to me to entitle Mr. Huntley to the favorable consideration of His Majesty's Government, I have to desire that you will take measures for repaying to him the sum of 2057 Rixdollars being the amount of the costs in which he was condemned. I am &c.

(Signed) BATHURST.

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[Original.]

*Letter from CAPTAIN ROBERT KNOX to R. W. HAY, ESQRE.*

LONDON, 15th July 1826.

SIR,—Having previously had the honor of submitting Plans &c. for constructing a Mole in Table Bay, both to the Colonial government, and the Colonial office here ; and since been

informed by the Colonial Secretary at the Cape, that the Admiralty did not approve of my Plans, I beg leave to request an interview with you upon this subject at any early time you may please to appoint for me to call, as I have in reserve much more original matter and controversial arguments founded upon facts, to confute all other plans, I believe hitherto suggested ; and to shew that no other than that of my own can succeed ; all of which I propose to publish, but previous to this I am desirous of an interview with one of the Secretaries, Mr. Hay or Mr. Horton.

I take this opportunity of apologizing to Mr. Hay, who corresponded with me before on this subject, for not addressing my Supplementary Plan and Report to that gentleman ; which circumstance originated from the answer to me, from the Colonial Office, being addressed Captain Knock, and my own ignorance of Mr. Hay's Office ; I therefore supposed that it came from some gentleman in the Colonial Office, who set but little value upon my communication. I therefore addressed my Plans &c. to R. W. Horton, Esqre., whom I knew to be one of the Secretaries.

I trust that this explanation will suffice for an apology ; and I have &c.

(Signed) ROBT. KNOX.

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[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 17 July 1826.

SIR,—I enclose herewith for your information a copy of a letter which my Under Secretary of State has received from the Secretary to the Master General of the Ordnance, from which you will perceive that arrangements will be made for allowing Major Dundas to remain on leave at the Cape of Good Hope for a period of two years. I am &c.

(Signed) BATHURST.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.*

DOWNING STREET, 17 July 1826.

MY LORD,—I have had the honor to receive and to lay before Earl Bathurst your Excellency's letter of the 7th instant in which you enclose a Memorial from certain Merchants and Inhabitants of the Cape, praying for the benefit of a free port ; and I have received his Lordship's directions to request that your Excellency will have the goodness to explain the sense which his Lordship may understand that the Memorialists attach to their request. I have &c.

(Signed)      R. W. HAY.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to MR. JAMES THOMAS ERITH.*

DOWNING STREET, 17 July 1826.

SIR,—In answer to your letter of the 13th instant in which you notice that no answer had been returned to your application for the value of Cattle which had been stolen from you by the Caffers, I am directed by Lord Bathurst to acquaint you that after all that has passed upon this subject at the Cape, his Lordship can only regret that you should persist in thinking that the Government is bound to restore to you your stolen Cattle or the Value thereof. His Lordship understands that the Landdrost could not assign to you any of the cattle which had been recaptured from the Caffers, because none was left for him to distribute when you applied for your share ; and you are mistaken in supposing that any sum has been advanced to you or your family by the Colonial Government on account of your claim under this head. I am &c.

(Signed)      R. W. HAY.

[Original.]

*Letter from MAJOR GENERAL BOURKE to the COMMISSIONERS OF ENQUIRY.*

GOVERNMENT HOUSE, CAPE TOWN, July 17th 1826.

GENTLEMEN,—I have the honor to acknowledge the receipt of your letter of the 9th of June last communicating to me the nature of the changes in the financial system of this Colony which you propose to recommend to Lord Bathurst's consideration, and particularly those measures of relief with which you intend to accompany the projected tax on Slaves. The information which you thus kindly and promptly afforded determined me as to the course I should take with reference to the instructions contained in Earl Bathurst's Despatch of the 20th February last, a copy of which has been sent to you. I informed His Lordship that I thought it necessary to defer the imposition of the proposed tax until the several parts of the new arrangement should have received his sanction, when the whole might be most conveniently brought forward together.

In considering the several matters of financial detail thus brought under my notice together with those contained in your letters to Lord Charles Somerset of the 3rd of October 1825 and 8th January last, I have been induced to think that some modification of the proposed arrangements may be advantageously adopted, and I conceive it my duty at this time to lay before you what appears to me to be material upon so important a subject.

Agreeing with you that it is expedient to get rid of some objectionable taxation affecting Cape Town and the Country Districts, and further that the state of the Colony forbids any considerable diminution of its resources, yet I do not entirely coincide in opinion either in regard to the expediency of some of the proposed reductions, or as to the amount of the new impositions. To bring my sentiments on these subjects before you in the clearest manner I shall beg leave to consider the several points in your letter as nearly as possible in the order in which they occur omitting for the sake of brevity any general reasoning upon the comparative fitness of the several objects of taxation, and premising that I have endeavoured to make

the smallest change possible in the habits of the people as connected with their taxes, and prefer continuing to receive an ancient impost paid without murmur to the adoption of a new one tho' of a less objectionable kind.

With regard to the tax on Slaves (to which I shall add that on free servants proposed in another paragraph of your letter) whether they are employed in agriculture or otherwise, I at once admit that in the actual state of this Colony it is necessary to subject the owners of Slaves and Masters of servants and apprentices to a certain taxation. I conceive however that in the case of the former the rate has been taken much too high, and I propose that the tax on slaves between the ages of ten and sixty years be taken at ten shillings only, that on whites, free blacks, or Hottentots engaged as domestic servants at the same, and that five shillings each be charged for Hottentots, Mantatees and others employed on farms under contract or apprenticeship from the age now usually returned in the *opgaaf* rolls, males above 16 and females above 20 years of age, I have taken the age of ten years for slave children instead of eight as proposed by you, the former being the period up to which they are required to be sent to school under the late ordinance.

With respect to the Taxes raised in the Country Districts under the name of *opgaaf* I cannot altogether admit that their assessments are at once vexatious, complicated and expensive in their collection ; and I conceive the little objection which is made by the payers to the ordinary *opgaaf*, notwithstanding that it contains some questionable items, is a powerful reason for leaving untouched this long established tax. With the *extraordinary opgaaf* the case is otherwise. From the uncertainty of its amount and the general and I believe correct notion of the impropriety of the expenditure which occasions it, it is considered by the payers as unfair and oppressive, and I quite agree in the expediency of relieving the Country Districts from all charge under the head of extraordinary *opgaaf* in which I include the commando tax. In proposing that the ordinary *opgaaf* should be left as it is, I consider not only the amount of revenue collected under it, but the useful information which is obtained in the easiest way as to the population, the state of the farms, the amount of stock and other valuable

statistical details. Some discrepancies in the assessments of the several Districts for which there does not appear to be any sufficient reason will require to be corrected, but upon the whole I am inclined to believe no tax to such an amount can be more fairly assessed or more cheaply collected than the ordinary opgaaf.

Upon the subject of the tithe on produce as collected in Cape Town and Simon's Town I entirely agree in the propriety of giving it up upon all articles except Wine and Brandy. Whatever charges are now made on these articles, whether for inland customs, gauging or market dues, I would propose to consolidate under one inland custom duty, augmenting the duty on brandy to fifteen rixdollars per leaguer.

I accord fully in the expediency of supporting the land revenue, and instead of the present dilatory and unsatisfactory manner of disposing of the encroached lands, I concur entirely in the expediency of putting up a certain portion every year in the several districts of the Colony to be sold to the highest bidder, subject to an annual quit rent and certain conditions as to occupancy.

As that part of the opgaaf capitation tax which imposes a charge of  $2\frac{1}{2}$  rixdollars on every female in the family above 20 years of age is open to some objection, I conceive that a tax of five shillings on each male above 16 and under 60 years of age may be advantageously substituted. The amount according to the best calculation I can make will not be very different. I do not however think that the Hottentots of the Institutions can afford to pay even this trifling charge.

The tax upon carriages and horses kept for pleasure is I conceive quite admissible, and I would propose to add a scale of increased taxation according to the number of either kept by any one person.

I concur in the expediency of repealing the duty now levied for gauging Wine and Brandy, and propose the amount should be added to the inland custom duty. The greater part of the expense of the gauger's office will be thus spared and the application of the funds will be available to general purposes. The South African Library should be supported by such annual grants as the state of the Colonial Treasury may warrant. I have allowed £500 per annum in the statement of expenditure

annexed. I concur also in the propriety of doing away with the duty upon corn for the Town Granary, and the market and shamble duties, taking over to Government the debts and charges of these Establishments, as also the Somerset Hospital and shares in the Commercial Exchange held by the Burgher Senate in the way you have proposed ; and I am inclined to think that a graduated tax on Shops and Houses in Cape Town will be found an advantageous commutation of the Hearth money.

I fully acquiesce in the propriety of collecting taxes from all persons in public offices, but I trust that the encrease of salaries to those occupying the greater number of the inferior stations (the necessity for which is universally admitted) may be simultaneously decided on and brought into operation.

I am inclined to believe that some reductions of expenditure may be effected in the Country Districts by collecting the taxes exclusively for the General Treasury, and placing the amount under the direct control of the Colonial Government. At all events a more regular mode of assessment and expenditure will be introduced, and upon the whole I do not think the labor of the Departments will be much encreased. If the Settlement should be divided into two Districts the operation of this measure will be greatly facilitated.

With respect to the reduction of the Cape Corps to which you have further called my attention in your letter of the 14th June last, I have the honor to annex the draft of an Establishment for such a Corps of Mounted Riflemen as would in my opinion be sufficient for the purposes of preventing the depredations of the Caffres upon the Stock of the Colonists. The organisation of this Corps would likewise render it efficient for military purposes in the event of more serious aggression on the part of the natives residing on our Borders. The primary object however of this Force I consider to be the protection of the property of the colonists, and for this purpose I should propose that the whole of it should be constantly stationed on the extreme frontier and within the neutral territory, leaving to the King's Regiments (one of which should be permanently placed within the Eastern District) the charge of garrison and other duties. The distance of frontier which I conceive this Corps might be fully equal to protect is that now occupied by

about the same number of the Cape Corps (the remainder being in garrison in Cape Town), namely from the Kaka Berg to the Sea.

If the expense of this Force should continue to be borne by the Colonial Treasury, I would in furtherance of the suggestion contained in your letter of the 14th recommend that the Corps should be considered as Colonial Militia and the commissions as they become vacant be filled up from amongst the Colonists by the Governor for the time being. The great distance from which officers have to arrive to join their Regiment here has deprived the Corps and the public of their services for considerable periods. There is not now and has not been for some time one Cornet doing duty with the Cavalry, and upon the whole out of thirty Officers there are ten absent with or without leave.

With respect to the slave lodge to which you have requested my attention, I am not aware of any considerable reduction that can be effected in that establishment unless freedom be granted to all those slaves who are capable of maintaining themselves. I might indeed propose to diminish the surgeon's salary, which is too high, and the reduction of the English School Master and School Mistress, who have little or nothing to do. I have reason however to expect an early opportunity of transferring these last-named persons to another employment, by which the charge of their actual salaries will be saved, and I have lately addressed Lord Bathurst for permission to grant freedom to all the Government slaves capable of maintaining themselves and to keep the aged and infirm in hospital for the rest of their lives. I therefore beg to repeat an opinion in which I believe you concur, that it will be necessary to provide for the suitable maintenance of the Government Residences and Gardens in which these slaves have hitherto been employed, by allotting a fixed annual sum for this object. You will perhaps be so good as to take this matter into your consideration and report to Lord Bathurst the sum you may think required for this service.

The proposed substitution of licensed Auctioneers in lieu of the Vendue department will be a great relief to the Colonial Government, which being now pledged to the public as a general security for the Department has a laborious and ungracious

office to perform in watching the proceedings of the Vendue Masters. I fear however that some considerable loss of Revenue will result from the change, but on the other hand the simplifying the transactions between Buyers and Sellers, the abandonment as I should hope in a great measure of the system of credit which has done incalculable mischief to the Colony, and the removal of all Government interference in affairs with which in a well constituted State it should have no concern, will more than compensate for the loss of income.

The general substitution of licences to Retailers of Wine and Spirituous Liquors in lieu of the Pacht will I apprehend occasion another loss of Revenue. Yet here again the new system is so much better than the old in every other particular that I cannot avoid giving it the preference.

The arrangements proposed in your letter of the 8th of January last to Lord C. Somerset being chiefly regulations in the several departments of the Colonial Administration proposed with the double view of simplifying its operation and diminishing the expense, I have only to observe that the necessity for such measures is quite apparent and that it is desirable they should be adopted with the least possible delay. The scale of Expenditure hitherto adopted in the Colony has been much too great for its resources, and yet the reduction in the Cape Corps is the only *considerable saving* that I can contemplate as likely to be soon accomplished. There are doubtless several useless offices which might be cut off with advantage to the Revenue and without the slightest inconvenience to the public, but this reform for the most part cannot be effected during the lives of the present occupants, without granting compensation. Owing to the necessity of making such an allowance the changes proposed in the Court of Justice will be productive of considerable expense. I trust however that the Salaries of the new Judges and Procurator Fiscal may be paid by the British Treasury, and that from the same source may be procured the means of building a new Prison, Courts of Law and Church in Cape Town, as I submit it would be highly inexpedient to attempt such expensive undertakings with the exhausted finances of the Colony.

I annex a Statement of the probable Revenue and Expenditure on effecting the proposed changes. The intricate state of

the public accounts arising from many causes with which it is not now necessary to trouble you has prevented this statement from being as minutely accurate as I could wish, and to the same cause is to be attributed much of the delay which has occurred in making this communication. The Statement as it is now prepared is I believe a tolerably close approximation to the truth.

The Receipts of the ordinary Opgaat as well as the expenditure of the Country Districts now defrayed from their several chests are both omitted, as it is thought they will nearly balance each other ; but on account of the proposed reduction of Market, Shamble and General dues in Cape Town, a charge of £2,000 per annum is admitted on the debit side of the statement for the Town Administration.

The Returns for the Hottentots and others in the Table of Taxes are taken from the Opgaat Rolls, and are I believe tolerably correct. I have estimated the number of Slaves let out by their owners either to work for hire with others, or permitted to work for themselves on paying a proportion of their gains to the owners, at two thousand, and I propose that the tax payable for these should be raised to £1 each. In proposing that the tax for a Hottentot should be only half of that payable for a slave, I beg it may be understood that I do not consider the tax on the latter as a *fine*, but I conceive the value of the Hottentot's labour to be much less than that of the Slave's.

I have taken rather at random the amount of the proposed tax on pleasure carriages and horses, having no correct data to proceed on. The amount of the increased duty on Brandy is calculated on the Tithe Returns. I have added to the Table a Stamp of one penny which I would propose on Newspapers. The expenditure is I believe very fairly stated, and cannot I imagine, for some time at least, be reduced much below this rate. I have not charged the Colony with the sum of £1,600 per annum for the Colonial Audit, as this has been paid for some years by the British Treasury ; and in fact if it is absolutely necessary that the Colony should pay the whole of its expences, the establishment must at once be materially reduced.

In looking at the balance of the Statement there is reason to lament that it is not more considerable, as it would doubtless be convenient to make a greater allowance for contingencies.

I would propose however if any deficiency should be experienced, instead of encreasing taxation to supply what may be wanting by withdrawing part of the Capital of the Lombard Bank, in the hope that the present commercial depression will not continue, and that the customs, income from lands, and other important Branches of Revenue may regain their former amounts. At all events I am convinced it would be highly inexpedient at this moment of almost universal insolvency to attempt to impose any considerable additional burdens on the people of the Colony. You will perceive by a comparative statement of the taxes proposed to be taken off and those to be laid on, that but a trifling addition is contemplated by the arrangement now under consideration, and that it will fall on the part of the community least able to bear it. The tax on pleasure carriages and horses, with the stamp on newspapers and tax on hired slaves, will more than cover the encrease, whilst the removal of the commando and extraordinary opgaaf together with the Capitation tax on Females will be a considerable relief to the poorer classes in the Country Districts.

I have only to add that it would be very desirable that the new arrangements should take place if possible by the beginning of next year, as the difficulty of supporting the Cape Corps and defraying the general expences of the Colony becomes every day more and more apparent, and were it not for some available balances in the Lombard and Discount Banks, and that I propose to make use of whatever Capital may be paid in to the former during the next six months, it would not be possible to support the Establishments without further assistance from the British Treasury than that which is now obtained thro' the Military Chest. The debt of the Colony to the Chest amounted on the 24th December last to £56,114 16s. 6 $\frac{3}{4}$ d., and is daily encreasing by the charge for Rations furnished to the Cape Corps.

I omitted to state that it was my intention to propose that the duty on Wine and Brandy should be drawn back on exportation. The state of the Revenue does not appear to admit of this at present. But if by a reduction of the fixed Establishments or an encrease of revenue in other departments such a remission of tax in favor of the Wine Trade could be conveniently accomplished, it would be highly desirable to effect it.

In the comparative Statement sent herewith, I have added an estimate of the encreased taxation which would be required beyond what is set forth in your comparative estimate of the 10th of June last, in order to produce the effect on the Revenue which I have calculated upon. It appears that additional Taxes to the amount of above £3,700 will be required. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure 1 in the above.]

*Table of proposed Taxes.*

25,000 Slaves between the ages of ten and sixty years, at 10s.	
each . . . . .	£12,500 0 0
Additional charge of 10s. on 2,000 let out on hire . . . . .	1,000 0 0
Estimate for free domestic Servants upon a graduated scale, commencing with 10s. where one only is kept . . . . .	800 0 0
Hottentots, Mantatees, and others employed in agriculture, at 5s. each . . . . .	3,750 0 0
Amount of graduated scale of tax on wheeled carriages and horses kept for pleasure . . . . .	800 0 0
Additional Duty on Brandy . . . . .	300 0 0
Stamps on Newspapers at 1d. . . . .	100 0 0
	<hr/>
	£19,250 0 0

[Enclosure 2 in the above.]

*Comparative Statement of Taxes reduced and Taxes laid on.*

Reduced :—

Commando Tax . . . . .	Rds. 61,000
Transport and noxious Animals . . . . .	40,000
Tithes . . . . .	22,000
Wine Taster . . . . .	17,113
Granary . . . . .	25,554
Shambles . . . . .	33,193
Market Dues . . . . .	32,766
	<hr/>
	£17,371 19 0 or Rds. 231,626
Additional Taxation . . . . .	1,878 1 0
	<hr/>
	£19,250 0 0

Laid on :—

Product of Table Annexure L . . . . .	£19,250 0 0
	G 2

Permanent Revenue as set forth in Statement	£95,166	8	8
Less by remission of Tithes in comparative estimate of June 10th	5,158	7	0
			—
Amount of proposed Taxes in do.	35,638	19	0
Deficit to be supplied by other Taxes	2,061	19	4
			—
	£127,709	0	0
Permanent Expenditure as per Statement	£112,709	0	0
Expenditure of Country Districts to be provided for, average Rds. 200,000 or	15,000	0	0
			—
	£127,709	0	0

N.B. Many of the taxes and duties proposed to be removed are of a temporary nature, and ought to expire with the necessity for which they were created, whilst the taxes proposed to be laid on are to be permanent.—R. B.

[Enclosure 3 in the above.]

*Fixed Establishment of the Government of the Cape of Good Hope.*

Governor's Pay and Establishment exclusive of Aides de Camp	£10,790	0	0
Lieutenant Governor's Pay	3,500	0	0
Commandants of Stations and Aides de Camp, 2 for Governor and one for Lieutenant Governor	1,732	0	0
Government Establishment, including Judge of the Vice Admiralty Court, Chaplain, Dutch and English Clergy-men and Schoolmasters in Cape Town, Slave Lodge, and Agent for the Colony	4,657	0	0
Chief Secretary's Office	4,851	0	0
Court of Appeals	1,304	0	0
Court of Justice	4,800	0	0
His Majesty's Fiscal's Office	1,185	0	0
Superintendent of Police, including 40 Watchmen	3,495	0	0
Auditor General's Office	1,251	0	0
Receiver General's do.	435	0	0
Colonial Paymaster's do.	1,171	0	0
Lombard and Discount Banks	1,746	0	0
Customs department	3,755	0	0
Vendue do.	1,148	0	0
Collector of Tithes and Transfers	592	0	0
Land Revenue Office	460	0	0
			—
Carried forward.	£46,872	0	0

Brought forward . . . . .	£46,872	0	0
Post Office . . . . .	720	0	0
Sequestrator's department . . . . .	1,032	0	0
Public Library . . . . .	500	0	0
Printing department . . . . .	975	0	0
Port Office . . . . .	977	0	0
Council Office . . . . .	966	0	0
Supreme Medical Committee . . . . .	300	0	0
Vaccine Institution . . . . .	165	0	0
Registrar and Guardian of Slaves . . . . .	857	0	0
Inspector of Lands and Woods . . . . .	420	0	0
Superintendent of Government Works and Buildings . . . . .	460	0	0
Pensioners paid in Cape Town or in England . . . . .	3,020	0	0
do. in the Country Districts . . . . .	1,056	0	0
	£58,320	0	0

*Fixed Establishment of the Country Districts.*

Cape District . . . . .	£990	0	0
Saldanha Bay . . . . .	100	0	0
Zwartland Church Establishment . . . . .	180	0	0
Wynberg do. . . . .	165	0	0
Buckbay Farm . . . . .	105	0	0
	£1,540	0	0
Residency of Simon's Town, including Custom department and Harbour Master . . . . .	2,612	0	0
Stellenbosch District, including Clergy, Teachers, and Post-holders . . . . .	2,135	0	0
Swellendam District . . . . .	£1,918	0	0
Leper Institution . . . . .	120	0	0
	£2,038	0	0
Graaff Reinet District . . . . .	2,357	0	0
Uitenhage District . . . . .	£1,470	0	0
Port Elizabeth, including Clergymen and Boatmen . . . . .	418	0	0
	1,888	0	0
Worcester District . . . . .	2,520	0	0
George District . . . . .	£1,845	0	0
Plettenberg's Bay . . . . .	80	0	0
Mcssel Bay . . . . .	80	0	0
	2,005	0	0
Albany District . . . . .	£2,561	0	0
Port Frances, including the Boat Establishment . . . . .	678	0	0
	3,239	0	0
Somerset District . . . . .	1,410	0	0
	£21,744	0	0

[Enclosure 4 in the above.]

## *Statement of Revenue and Expenditure on effecting the proposed Changes.*

### **Revenue :—**

		<i>Rds.</i>	<i>sks.</i>	<i>sts.</i>
Customs . . . . .		263,321	7	3
Tithes and Transfer Dues . . . . .		314,048	0	0
Land Revenue . . . . .		81,825	1	2
Stamps . . . . .		156,652	7	0
Vendue Duties . . . . .		161,175	0	4
Lombard Bank . . . . .		72,470	4	2
Discount Bank . . . . .		54,030	3	1
Post Office . . . . .		25,346	7	0
Fines . . . . .		540	0	0
Printing Office . . . . .		20,369	6	4
Sequestrator's Department . . . . .		28,226	1	4
Port Dues . . . . .		10,533	5	0
Fees of Office, exclusive of Orphan Chamber		50,351	7	1
Incidental Receipts . . . . .		30,000	0	0
<hr/>				
		<i>Rds.</i>	1,268,892	3
			3 or £95,166	18
Product of Annexure 1 . . . . .			. 19,250	0
<hr/>				
			£114,416	18
			8	

## **Expenditure :—**

<b>Fixed Establishment of Government as above</b>	.	.	.	.	<b>£58,320</b>	0	0
Do.	Districts	do.	.	.	<b>21,744</b>	0	0
<b>Town Administration and Contingencies</b>	.	.	.	.	<b>2,000</b>	0	0
<b>Bible and School Commission</b>	.	.	.	.	<b>300</b>	0	0
<b>Cape Corps</b>	.	.	.	.	<b>12,503</b>	0	0
<b>Fixed and Unfixed Contingent Charges</b>	.	.	.	.	<b>11,237</b>	0	0
<b>Erection and Repairs of Government Buildings</b>	.	.	.	.	<b>4,500</b>	0	0
<b>Repairs of Roads</b>	.	.	.	.	<b>1,000</b>	0	0
<b>Miscellaneous Charges</b>	.	.	.	.	<b>1,000</b>	0	0
<b>Balance in favor of the Colonial Treasury</b>	.	.	.	.	<b>1,807</b>	18	8
<hr/>							
					<b>£114,416</b>	18	8

[Enclosure 5 in the above.]

*Estimate of Expenses of a Corps of Mounted Rifle Men, Pay of Officers stated at full rates without deduction of the Stoppage of 2½d. per ration, that for Captains of Companies of Infantry with the addition of 1s. 1d. per day for the non effective allowance, Pay of Men calculated at the net rates after deduction of 6d. for stoppage for Rations.*

**Infantry :**

1 Major at 16/- per day . . . . .	£292	0	0
4 Captains at 11/7 . . . . .	845	11	8
4 Lieutenants at 6/6 . . . . .	474	10	0
4 Ensigns at 5/3 . . . . .	383	5	0
1 Paymaster at 15/- . . . . .	273	15	0
1 Adjutant at 8/6 . . . . .	155	12	6
1 Surgeon at 11/4 . . . . .	206	16	8
1 Quarter Master at 6/6 . . . . .	118	12	6
1 Regimental Sergeant Major at 2/6 . . . . .	45	12	6
1 Quarter Master Sergeant at 2/- . . . . .	36	10	0
1 Paymaster Sergeant at 1/4 . . . . .	24	6	8
4 Schoolmaster Sergeants at 1/4 . . . . .	97	6	8
1 Armourer at 1/4 . . . . .	24	6	8
1 Saddler at 1/8 . . . . .	30	8	4
12 Sergeants at 1/4 . . . . .	292	0	0
16 Corporals at 10d. . . . .	343	6	8
224 Privates at 6d. . . . .	2,044	0	0
8 Buglers at 7½d. . . . .	94	5	10
Rations for 250 Men at 4d. per day each . . . . .	1,520	16	8
Additional Rations for Women and Children . . . . .	1,180	1	8
Clothing for 250 Men at £2 10s. . . . .	625	0	0
Forage for 300 Horses at 6d. . . . .	2,737	10	0
Farrier's allowance at 1d. . . . .	456	5	0
Contingencies . . . . .	200	0	0
	£12,503	0	0

[Orig'nal.]

*Letters from MR. ROBERT YOUNG to R. W. HAY, ESQRE.*

LAMBETH, 17th July 1826.

SIR,—Having caused patterns of the Iron work for the Cape to be made according to the plans received from you, I have now the honour to inclose Estimates for it as well as for the

whole of the articles stated, and shall be happy to receive your directions on the subject.

In the specification which accompanies the plans, a part of the work is proposed to be of cast iron, but this Mr. Maudslay is decidedly of opinion would be of insufficient strength, and would not answer the purpose.

With regard to the Beams called in the inclosed Estimates £193 2 6 and £116 12 6, I have taken these sums as stated in your Estimates, but I do not apprehend the cost will be so great, and should you approve of it, Mr. Maudslay will, as I some time since suggested, order these Beams from his Timber merchant and hand you the Invoices as he receives them.

I am &c.

(Signed) ROBT. YOUNG.

[Enclosure 1 in the above.]

*Estimate of the Expence of Iron work for a Wharf at Cape Town,  
2,100 Sheets Copper Sheathing, Nails and Paper, Iron  
Spikes, Timber, &c. viz.*

Sundry wrought Iron work consisting of Shoes for Piles, Bolts,

Nuts, Braces, &c.	.	.	.	.	.	.	£1,488	8	0
2100 Sheets 26 oz. Sheathing Copper	:	.	.	.	.	.	885	18	9
Sheathing Nails and Paper sufficient for 2100 Sheets Copper	.	.	.	.	.	.	104	3	0
320 cwt. Iron Spikes assorted	.	.	.	.	.	.	360	0	0
15 Memel Beams 14 in. square 26 to 30 ft. long and 14 do. from 22 to 26 feet long	.	.	.	.	.	.	193	2	6
							£3,031	12	3

[Enclosure 2 in the above.]

*Estimate of the Expence of Iron work for a Wharf at Simon's  
Town, 1460 Sheets Copper Sheathing, Nails and Paper,  
Iron Spikes, Timber, &c., viz.*

Sundry wrought Iron work, consisting of Shoes for Piles, Bolts,

Nuts, Braces, &c.	.	.	.	.	.	.	£1,025	8	0
1,460 Sheets 26 oz. Sheathing Copper	:	.	.	.	.	.	615	18	9
Sheathing Nails and Paper sufficient for 1,460 Sheets Copper	.	.	.	.	.	.	72	1	0
200 cwt. Iron Spikes assorted	.	.	.	.	.	.	240	0	0
19 Memel Beams 14 in. square 24 ft. long	:	.	.	.	.	.	116	12	6
							£2,070	0	3

[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, July 18th 1826.

MY LORD,—In my despatch of the 21st ultimo I thought it right to inform Your Lordship that I conceived some of the provisions of the Ordinance for improving the condition of Slaves were likely to create a considerable sensation amongst the Slave Owners in the Colony. That such has been the case Your Lordship will perceive by the Memorials I have now the honor to enclose praying for the repeal or suspension of part of this Ordinance.

On the passing of this Act by Council it was sent in the usual manner to the Burgher Senate for their information and to be published by them in this Town and its jurisdiction by reading it aloud from the Town House. This the Senate declined to do until they had presented a remonstrance on the subject (No. 1) to the Council, to which the answer herewith sent (No. 2) was returned. The Senate still delaying to publish the Ordinance and an opinion prevailing (tho' totally unfounded in law) that the publication by the Burgher Senate was necessary, to give the Ordinance the force of a Statute, I sent for that Body and represented to them the danger of their misleading the Public by the line they had taken, and informed them that they would be responsible to Government and the Colony for any mischief that might result from such unwise proceedings. They withdrew after presenting a second Memorial (No. 3) signed by several respectable Inhabitants of the Town, and on the second day afterwards the Ordinance was published by the President alone, none of the four other Members attending.

In the District of Stellenbosch nearly the same delay occurred, and the Ordinance was published by the Landdrost alone, none of the Heemraden choosing to attend. The Heemraden have since delivered me the Memorial (No. 4) to lay before His Majesty in Council.

I have within these few days been requested to allow of a public Meeting to be held in Cape Town to form a Committee to propose a similar petition against some of the Provisions of the Ordinance. A copy of the Memorial (No. 5) is sent herewith.

I have acceded to this request and the Meeting will I understand be held on the 22nd instant.

Notwithstanding that there is a considerable party amongst the Dutch Inhabitants greatly dissatisfied with that provision of the Ordinance which allows the Slave to obtain his freedom by appraisement, and with that which in prosecutions for unlawful punishments puts upon the owner or other person having charge of the slave the necessity of proving that the ill-treatment was not inflicted by him, yet I have every reason to believe that the present irritation will soon subside, and that upon finding the operation of the Ordinance not to injure their right of property, or to subject them to any practical inconvenience, the owners of Slaves will not persist in any vexatious opposition to the measure of Government.

With respect to the Slaves themselves I have no reason to believe that the Statute has been misrepresented to them or that they have formed any erroneous or exaggerated notions of its enactments. It will be my duty to suppress the least appearance of Insubordination amongst them.

The President and two of the Members of the Burgher Senate have sent in the resignation of their Seats. I have accepted the latter, and informed the President that I will relieve him from his duties as soon as I have made arrangements for appointing his Successor. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure 1 in the above.]

TOWN HOUSE, CAPE TOWN, 30th June 1826.

To His Honor the Lieutenant Governor Richard Bourke, C.B., in Council.

The undermentioned President and Members of the Burgher Senate, with reference to their correspondence with Government under dates of the 27th and 28th instant, respecting the new Ordinance about to be promulgated relative to the Slaves of this Colony, feel it a sacred and imperative duty which they owe to His Majesty's Government, as well as to the good and loyal Inhabitants of this Town, who have so earnestly called upon them as the only Representatives of the People under the

existing form of Government, to lay the following considerations and remarks before Your Honor's and the Council's most serious and favourable attention.

Nothing but urgent necessity and well grounded fears for the loss of Property and of seeing this once peaceful and happy land converted into a scene of misery and despair could have induced the Burgher Senate thus to deviate from the course usually pursued by them, and thus to interfere in the measures of Government.

The undersigned have gathered some confidence however from the well known liberality of Government on the one hand, and from the conviction which they have on the other hand, that the majority of the well informed Inhabitants of this Colony are not averse to, but on the contrary anxious to coöperate with His Majesty's Government in the amelioration and even the gradual abolition of the state of Slavery.

The only matter in dispute therefore is the manner in which this is to be effected.

The proprietors of Slaves and we think every calm and impartial man will have it observed as an inviolable Basis in this operation,

1st. "That the rights of private property be not in the least encroached upon," and in the next place it seems to be admitted by every one,

2ndly. "That the emancipation of the Slaves should not be so sudden and to such an extent as to become a useless Boon to the emancipated, or inconvenient to the Public."

The first rule, though sometimes lost sight of by hot-headed Zealots, has never been formally called in question by any one, and has repeatedly been admitted and relied upon by the most distinguished Statesmen in both Houses of Parliament, and in His Majesty's Cabinet. It may not be amiss however to state the following facts relative to the acquisition of this species of property in this Colony.

The inhabitants of this Colony have never embarked in any expeditions to obtain slaves by conquest or barter in other countries, nor has a single individual of the numerous Tribes of Savages by whom we are surrounded and with whom we have often been compelled to wage war, ever been enslaved by us, and even those who still dwell within the confines of our

Colony are free and are protected by the existing laws and regulations.

But we inhabit a country of which the population is not and never has been equal to the extent of Territory nor adequate to the proper cultivation thereof. The expedient resorted to by the former Dutch, as well as by the English Governments has been the introduction of Slaves, and many Vessels under the Flags of various European nations have been allowed to import and dispose of their cargoes of Slaves in this Colony.

The acquisition of this species of property was therefore not only allowed but even encouraged by the legal authorities and the Representatives of our Supreme Rulers in Europe. An instance which is still fresh in the recollection of almost every one occurred in the year 1806, when His Excellency Sir David Baird ordered the cargo of the *Dido*, a Portuguese slave vessel, to be Publicly sold to the Inhabitants of this Colony, and encouraged the purchasers by an express proclamation bearing date the 30th day of October 1806. We therefore beg leave humbly to submit that the present Race of Slaves have been acquired by their owners in as legal a manner as any other species of Property, by purchase, inheritance, or otherwise, and that this acquisition has not only been sanctioned by the solemn acts of the Legislatures in Europe, but also by the local authorities, who have moreover encouraged it as a measure of expedience, and finally, that this species of Property has as much been guaranteed to the owners as any other species of private property, by the Terms of the Capitulation on which this Colony has been surrendered in the year 1806, and finally ceded to the British Crown in the year 1814. Under these circumstances, we humbly contend that the right of property of the Owner in his Slave is as complete and as sacred as any right which His Majesty's subjects may be deemed to possess in their houses, their lands, or any other of their goods.

Any infringement therefore of these rights either by depriving the master of his slave altogether or by making the slave less valuable to him by means of restrictions, impositions, fines, forfeitures or otherwise, without a fair and adequate remuneration to the Master is an act of injustice, contrary to the fundamental and elementary principles of Civil Society, whose first object is the inviolable safety of private property.

We therefore humbly but with confidence submit that the Regulations contained in the 33, 34, 35, 36, and 37 Articles of the Ordinance about to be promulgated are unjust in principle, and that the great and laudable object of the British Government "the amelioration and gradual emancipation of the slaves" may be obtained by them by other and more equitable means.

In the first place we say that the proposed measures are unjust, for

A. They give to a third person (the proposed guardian of Slaves) without any right or reason, the odious power of interfering in the arrangement of private affairs, and in the disposal of private property, whereas the law of the land should be the only acknowledged superior to the head of every private family in his domestic arrangements. When a contrary course is adopted, derision, contempt and insubordination, leading to the most baneful consequences, must be the inevitable result.

B. The proposed measures by allowing the Slave to force his master to a sale of his freedom to himself, and for money to be provided by himself, hold out to him the strongest of all temptations to raise the sum of money deemed adequate for the purpose by any means in his power, and will encourage vices of almost every description. Besides if it be considered that before the Proclamation of 18th March 1823 Slaves were unable of possessing any property of their own, and that even now they have only Sabbath during which they can earn anything for themselves by honest industry, it is self evident that only the most cunning in vice or lasciviousness and the most successful in hiding their evil practices will succeed in obtaining their manumission, whilst the honest and most faithful servants will remain in slavery to the end of their days.

C. The proposed appraisements and forced manumission of the slave will weigh heavy on the masters or owners only whilst the other part of His Majesty's subjects, who are the proposers and supporters of these measures, and who are equally, if not more deeply, interested in the fulfilment thereof, do not bear the least part of the burden, for considered in every possible light, the trouble, the vexation, the odium, the danger, are all thrown upon the master, nay by the very law proposed one half of the expenses of appraisement must necessarily fall on his devoted head, to say nothing of the money to

be raised by the slave, which in 99 cases out of 100 is sure to be chiefly pilfered from him, whilst the sanguine, the liberal, and the rich advocates of emancipation, here as well as in the mother country, will not have an opportunity of shewing their sincerity in the cause by subscribing a single shilling towards ensuring its success.

These and many other objections might be taken against the measures proposed, but we beg leave to sum up the whole in the words of one of His Majesty's most distinguished Ministers, when he said as if censuring with a prophetic spirit the measures now proposed here :

"The mutual confidence between the Master and his Slave will be destroyed *by stepping in between them*, insubordination will be fostered on the one hand, and distrust engendered on the other, which cannot fail to lead to severity as a means of self defence. Instead of making use of the master as the best and only medium to act with safety on the slave population, instead of allowing every indulgence and improvement in their condition to proceed as a boon through his hands, *indemnifying him at the same time for his loss of right of property out of a common fund*, instead of this, it has unfortunately happened that the master has been placed in the odious and dangerous light of being the only obstacle to the entire emancipation of the slave."

The infallible consequences of such measures have also been predicted :

"A barrier of insurmountable hostility will be placed between the slave and his master, a flame will be kindled only to be quenched in blood."

This has been predicted by a great and wise man at the distance of several thousand miles. We being on the spot and having had an opportunity of gaining every information during a number of years, do most solemnly assure you that these predictions will come to pass, and that the danger is imminent in this Colony if the measures proposed be persisted in.

The Murders committed in the Bokkeveld soon after the last innovations, which were of far less importance than those now under contemplation, the facts which transpired at the trial of the above-mentioned murderers, which put the origin as well as the extent of the evil in so clear and so alarming a light, the

present fermentation, restlessness, and insubordination, so general among the slaves that almost every family can recite an instance, all these signs do warrant us in our fears and conclusions in our earnest prayers, that Government will desist from the measures now under contemplation, as highly improper and pernicious.

As to the mode which we would propose to effect the gradual emancipation of the slaves, we humbly trust that the principles on which we wish that this desirable end to be obtained may be sufficiently gathered from the foregoing argument, to which we beg leave here only to add the axiom laid down by Mr. Canning, "that the slave of to-day is not fit to be a free man of to-morrow."

Perhaps therefore a common fund to be raised by subscription as well here as in England, to which the British Government may be inclined to add an important sum in consideration of the loss sustained by the Colony through the depreciation of its currency, and by which it is admitted that the British Government became the chief gainer. This fund to be applied to the purchase of young females, about the price of which not much difference of opinion can exist, or of deserving objects, at the recommendation or at least with the consent of their masters. These and many other moderate, slow and equitable steps might be taken, which would ensure the gradual extinction of slavery without danger or injustice to any one ; but we do not feel ourselves warranted to propose any decided plan, as well on account of the shortness and pressure of time in the present crisis, as also that we have in the present instance undertaken to lay before your Honor in Council the sentiments of the Public, which we have not had an opportunity sufficiently to ascertain on this point, and for which purpose a public meeting will perhaps be necessary.

There are two more points in the Ordinance at present under contemplation which we feel it our duty particularly to notice, as being repugnant to the notions of justice and safety in a country where slavery exists.

The first is contained in the 39th Article, where a custom which is said to have prevailed in our Courts of admitting slaves as witnesses, both in criminal and civil cases, is expressly established by law, and though an exception is afterwards

made as to their evidence in a *civil* suit, in which *his or her owner* is directly concerned, yet it seems to be implied that they remain admissible witnesses in a criminal prosecution, in which *his or her owner is directly concerned*.

Now to say nothing of the custom observed in our Courts, which have hardly in any instance been constant and uniform enough to deserve the name, it is contrary to the existing laws and highly dangerous under the existing circumstances to admit slaves as proper witnesses in a *criminal* case in which their owners are *directly* concerned, for they would then have the power, as they have frequently evinced the inclination, of bringing false accusations against him, and living frequently on solitary farms, where no other witnesses are near to contradict them, they would frequently be able to get their master condemned by law, altho' he may be innocent. We humbly submit that the connection between the master and his slave is too close, and of too particular a nature, their ardent and untutored minds are too little under the control of truth and religious feeling, particularly when excited by self interest or revenge, to alter the law as it has existed for ages, and as even the Romans saw the necessity of maintaining it.

If the case of the unfortunate Gebhard be relied on as an instance of the admissibility and efficacy of slave testimony, we beg leave to observe that in that case the accused took no legal objections to the witnesses proposed, at least he did not persist in such objection, but admitting the fact generally he only pleaded in extenuation of his guilt.

The other point in the projected law which we deem it our duty in the first place to notice is a clause in the 43 Section of the Ordinance :

" And in case any Person shall be convicted of any cruel and unlawful punishment to any slave, the said Courts shall, and are hereby authorized, at their discretion, to declare the right and interest of the Person so convicted in and to any such Slave to be absolutely forfeited to His Majesty."

Forfeitures in general have always by the best lawyers been considered as an improper mode of punishment, because it falls as much upon the innocent Wife, Children, or Heirs of the party who committed the crime as upon himself.

This species of ~~forfeiture~~ therefore been restricted to

political crimes or Treasons, because in such cases the family and descendants of the Traitor may with some reason be supposed to foster the same political sentiments as their Head or Father. But a forfeiture of property in a Slave to His Majesty on account of ill treatment is something very new and very strange.

We cannot for a moment believe that His Majesty will ever consent to become the Holder of Slaves or the Seller of Slaves. What then is to become of the forfeited Slaves ? They are to be emancipated we presume. Then the punishment of the Master for ill-treating his Slave is the manumission of that Slave ! Is this not a direct and powerful stimulus to the Slave to court and provoke ill-treatment ? Will he not eagerly submit to a little pain of short duration to be free for ever afterwards ? Will he not tease and harass his Master, who may intend only to apply a moderate castigation, until he drives him to excess ? Surely this must be a mistake in the projected law, and will be corrected. We cannot for a moment believe that such measures will after mature consideration be persisted in.

We beg leave finally to say that we are humbly but decidedly of opinion that the good and benevolent intentions of His Majesty's Government as to Slaves in general have already been anticipated in this Colony, as well by many excellent Laws and Regulations of an early date, as by the Proclamation of 1823. That the Slaves here are gradually improving, and that we have only to look at our Slaves to be convinced that they are better treated and superior to the Slaves of every other country. Nothing is therefore wanting to promote their further improvement, but to restore confidence between them and their Masters, by disclaiming all right and intention to interfere with his rights of property, and emancipation will follow as a matter of course, as soon as a sufficient fund can be raised to indemnify the owners.

We now beg leave to conclude. We have spoken freely and with singleness of heart and purpose. We felt that we had an important duty to perform towards the public, towards our King, and towards Him who is the King of Kings. You have the same sacred duties to perform. It will be for you to consider whether you will risk the evils which we have predicted, and the injustice which we have shewn to proceed from these

measures. We have no Constitutional Power to prevent such Laws from being carried into effect, we are weak and without power even as a Worm. But surely the foot cannot be blessed who will sternly refuse to turn aside one inch because it is only a worm which pleads its rights.

May the God of Wisdom and of Mercy direct you in your Councils.

(Signed)	J. VAN DER POEL, President
	J. H. HOFMEYR
	G. A. MEYER
	P. M. BRINK
	P. WOUTERSEN.

By command of the President and Members of the Burgher Senate.

(Signed)	P. J. TRUTER, Secretary.
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[Enclosure 2 in the above.]

See Proceedings of the Council, 3rd July 1826.

[Enclosure 3 in the above.]

To the President and Members of the Burgher Senate of this Town,

GENTLEMEN,—When on the 24th June last, the good Inhabitants driven by solicitude and anxiety, called for your interference with the Government of this Colony, on account of then current reports relative to an Ordinance about the Slaves : The most of us thought, and justly expected, that those rumours would be found unfounded and exaggerated.

But since the very Ordinance was inserted in the *Gazette* of Friday last, we have alas seen with the deepest pain and regret that our fears were but too well grounded. Our right of property, sacred even amongst the barbarous Nations, is attacked most unjustly and violated ; a burning flame of distrust and discord is thrown in our Houses, which should be our safe retreat ; our domestics are our enemies ; bloody scenes are already seen at a distance ; in a word, Gentlemen, the anguish and fear for our lives, and that of our Wives and

Children, possesses and agitates every bosom. In these anxious moments, (while our hearts bleed of a second wound, without another wound of last year, the depreciation of our Currency, being healed) although WE have no constitutional Guardian and Protector, we throw ourselves in your bosom as Fathers of a body of distressed Citizens.

When we consider the dangers of false associations, which will take place by the general admission of Slaves as competent witnesses in Criminal Cases, in which they themselves, or their Masters, are concerned (see Article 39 of the Ordinance) yea even, that a Slave complaining of ill treatment from his Master, is *himself*, although a party, considered a sufficient witness, and throws the proof of the contrary on the shoulders of the Master (see Art. 17th of the Ordinance) when we add thereto, how the punishment of ill-treatment (see Art. 43rd of the Ordinance) being enacted confiscation of such Slave to His Majesty, but in effect the freedom or emancipation of such Slave. We will be provoked and driven by our Slaves to ill-treatment, even in the most calm and quiet moments, as a bodily pain of short duration will be considered by them as an easy way to obtain their freedom.

When we also take into consideration how we are shortened in our property by being obliged to carry the moiety of the expences of appraisement of the Value of the Slave to be emancipated (see Art. 36 of the Ordinance), by the violent and arbitrary taxation itself, to be made by a third, and, uninterested person, (see Art. 33, 34, 35, 36, and 37 of the Ordinance), the unjust compulsion which is laid upon us, to yield, at such an Appraisement, frequently done under the Value of our sacred and by this Government as lawful acknowledged property ; when we also consider with attention how the Slaves, incited by the above enactments, will not only indulge themselves in all Vices, but will also daily make themselves guilty of robbery of their masters' money and that of others to fill the Savings Banks, and to obtain their emancipation at a depreciated Value, for although the 33rd Article of said Ordinance enacts that a Slave shall first prove to his Guardian that he has acquired that money by lawful means, there will however be found Malay Priests and even Christians enough, as well bad citizens of this Colony as *Strangers* residing in this Colony,

*many of whom have Children by Slave Girls, who will step forward, as having lent or given that Money, thus Stolen.*

When we consider all this, Gentlemen, and many more consequences which will emanate from the Ordinance, *but all* which we will not now point out, then there cannot exist any doubt even for a moment but every one will feel himself the justness and correctness of our fears for the safety of our persons and property.

For we cannot as yet forget those dreadful scenes,—scenes which call for vengeance, against those who were the cause and instigators thereof, which last year happened in the Bokkeveld.

It is known to the public from the Trial of the Murderers, how by the Proclamation of 18th March 1823 their minds were filled with ideas which incited them to Murder.

That Proclamation was for them of less consequence than the present Ordinance, and will not the same, yea far more dangerous scenes, take place amongst us, as by the Ordinance they will look upon *robbery, false evidence, and bloodshed*, as the means for obtaining their freedom ? Will not our own Country, our only retreat and refuge, become unsafe for us Citizens, through the rapacious and murderous attacks of our Slaves and domestics ? Will not the Slave, considering his Master as the only impediment to his Freedom, persecute him with the weapon of death, even in his resting room ? Gentlemen, the ideas of foreseen dangers follow the one upon the other ; the one terror and fear for the Murder of ourselves and innocent children is chased away by the other.

We see already the ascending flames, kindled by a petulant hand in the hopes of freedom, and our houses falling to ruin ! We see already our Streets, although formerly frequented by Peace, Quiet, and Union, full of Streams of blood of our fellow Citizens, of our Wives, of our Children, slaughtered by the steel of incited heathen Slaves ! And we see a Saint Domingo rising out of the pit of our murdered fellow Citizens.

All these foreseen dangers, Gentlemen, have filled our hearts with terror and fear, and there appears to us no other recourse but to you, as the only representative Board in the Colony, to request for your interference with the Colonial Government, and to appeal in our behalf to the benevolent Resolutions

adopted on the 7th March 1826 by our parental Rulers in England, by the British Parliament.

We take the liberty to annex those Resolutions to this Our Memorial, and whereby it will appear to you that the British Parliament expects from us to ameliorate and abolish slavery, when it could be done consistently with the well being of the Slaves themselves, with the safety of the Colonies, and the fair and equitable adjustment of private property.

We are animated with the same, have one feeling for the Slaves, our fellow Creatures ; We also wish to do every thing in Our power for an amelioration of Slavery, and to promote amongst them Religion and Morality.

This our Fathers have done, this we did since many years, and every enquirer must acknowledge that our Slaves in this Colony are better off than the most of Servants in Europe, and that a Cape Slave is not to be compared with a Slave in other Colonies. Notwithstanding, we will accept with eagerness every measure which may tend still more to ameliorate their condition. We also wish for their gradual emancipation, because we all prefer free Servants far above Slaves, and consider it better for our Country. But this last our legislators the British Parliament expect from us, when it can be done consistently with the well being of the Slaves, with the safety of this Colony, and without violation of private property.

And this, Gentlemen, as yet does not take place here.

The Slave who thus far attends to his Service, with quiet and peace, living in friendship with his Master, obedient, and under a less discipline than a free European Soldier, by the Ordinance becomes unquiet and uneasy, he refuses obedience to his Master, not yet endowed with those Religious and moral principles which can guide a man in sudden prosperity, they wish to be free, they see some of their fellow Slaves enjoy the same, they have no money to buy their freedom, they *will* however also have the enjoyment of their freedom. One immoral and criminal feeling is suppressed by another, the good Slave becomes a Criminal, and it is *done* with the peace and well being of the Slave. Can this Colony, already wretched and weeping over her fate, be safe under similar circumstances, and with Slaves so restless and incited towards obtaining, yea, usurping of their freedom ?

Can the right of private property, that inaccessible palladium of every Civil Society, be maintained, when (to cite a single example) a poor Debtor possessing a single slave, worth to him Rds. 3,000, and mortgaged for 3,000, is compelled to emancipate the same by taxation for 1500 ?

Under these circumstances we find our comfort and Delivery from dangers in the very words of our legislators, and of those who, under our respected govern the Ministry (*sic*).

We appeal to the first Minister of State, Lord Liverpool, to the High Judge of England, the Lord Chancellor, to the sage Minister of State, Mr. Canning, to the wise Member of the House of Commons, and to the under Secretary of Colonies.

We take the liberty, Gentlemen, with regard to the speeches held by them in Parliament, to refer you to the English News Papers the *Times* and the *Morning Chronicle* of the 8th March 1826, containing the Debates of the House of Lords when the Resolutions of the 7th March 1826 were passed.

There we hear the eminent Lord Liverpool saying, " That for the amelioration of Slavery the British Parliament should plainly and distinctly state to the Colonies what was the object of the British Government, and then let the Colonists apply themselves to carry those objects into effect, as they may think fit, because they might do it to the best advantage. We should say to the Colonies, we desire this to be done, do it yourselves, and in the manner you think best ; as we had rather that the Slaves should owe these favors to you than that they should derive them from an act of peremptory legislation, on our parts."

In the same way we hear the learned and grey Lord Chancellor saying, " We are going far enough to say to the Colonies, These objects are recommended to you by both Houses of Parliament of Great Britain, and see that you act upon that recommendation ; but do it in the manner most convenient for yourselves, but it is expected that you should do it."

This is the spirit of the Ministers of His Majesty ; annexed to this Memorial you have the Resolutions of Parliament ; and Gentlemen ! for the tranquillity and peace of this Colony, for the safety of our persons and property, for the well being of the slave itself, we will undergo some sacrifices and coöperate for ameliorating and gradually emancipating Slavery ; but we

wish this to be effected in a manner less grievous to ourselves and less dangerous for the Colony.

Our intentions for that purpose are well meant and sincere, and we only wish for an opportunity to prove it in fact.

When we must lose our property for the gradual emancipation and final extinction of Slavery, then in the name of God let us coöperate for the same object, but in a manner less grievous to ourselves.

We have by a former opportunity expressed to you these same feelings ; we requested that we citizens might have a meeting in your Town House, either public or by way of committee of some persons chosen by the public, in order jointly to deliberate what proposals less grievous to us and less dangerous for the Colony we can make to Government for a gradual emancipation and extinction of Slavery. And we again beg you will give us the requested opportunity, in order that the Slave may accept his freedom as a boon from his Master, and the friendship and confidence between Master and Slave may be restored.

In expectation of your Resolution thereon, we are informed that the Ordinance has not yet been proclaimed by you ; we beg Gentlemen, you Fathers of an unhappy body of citizens, that for God's name will request Government not to cause the Ordinance to be promulgated before having laid our just grievances on account of some enactments in said Ordinance before the Government here, as well as in the Mother Country, and we have been heard.

What you do to lay our grievances before the throne of our beloved King, you will do it in the spirit of the Resolution of Parliament, our only Legislators, and of the Ministry.

We conclude Gentlemen, but we conclude with a perplexed and anxious mind.

Only in anticipation that the Ordinance should be promulgated as a Law, we see the Slaves indulging themselves in robberies,—witness thereof are the 5 successive robberies committed during the last week,—already are meetings of Slaves held, as far as is known to us, at two different places, as we are informed, where the Ordinance is read and explained to the Slaves, and the effect thereof with all its colours is laid down to them, and what will be the consequences in the

beginning of the promulgation of that Ordinance as a Law!

We repeat, we place our lives and that of our Wives and Children in the hands of you as men of honor and as true fathers of us citizens. We hope that you will not move one step from your duty towards your fellow citizens, and that you will with force and energy and with unmoving steadiness explain and defend our Interest, lest by your unsteadiness and deviation from your sacred duty as fathers of the Inhabitants of this Town a wretched remnant of those now around you may not hereafter reproach you, whilst smarting under all the horrors of a slave war, that they after losing all who were near and dear to them had alone been spared by the murderous steel of the Slaves.

The God of peace, unity, and of steadiness take you in His high keeping, and grant you strength, wisdom, and manly firmness that He may crown your endeavours, guide your tongues, and free us through you from plunder and bloodshed.

Cape Town, July 3rd 1826.

(Signed)

A. VAN BREDA	H. ROSS
DR. WEHR	A. DENEYS
M. VAN BREDA	C. DE WAAL
DR. OOSTERSEE	J. G. MULLER
H. CLOETE, Ls.	J. J. F. STEYTLER
J. J. VAN DEN BERGH	WIDOW A. BECK
C. MATTHIESSEN	A. DE WAAL
H. G. MUNTINGH	WIDOW WIID
J. J. I. SMUTS	A. BRINK
G. H. MAASDORP	J. DE WET
G. E. OVERBEEK	G. VAN REENEN, Senior
W. J. KLERK	WIDOW L. BIEL
R. HEURTLEY	D. W. NEIMEESTER
A. FAURE, Js.	L. F. FISCHER
A. CHIAPPINI	S. BRINK, Js.
J. F. BECK	D. J. DE VILLIERS
A. BRINK	J. J. VOS
A. S. BRINK	C. D. LOTTER
J. WAHL	J. A. BRESLER

G. F. STEGMAN	D. B. KUUHL
S. MALAN	WIDOW HELSDINGEN
J. ROSSOUW	A. J. LOUW
P. J. REDELINGHUYSEN	WIDOW LINGEVELDER
G. S. SCHOLTZ	W. G. LOTTER
WIDOW J. G. LINGEVELD	HENDRIK DE JONGH, Senior
J. F. STEGMAN	D. MALAN
F. M. LINGEVELD	WIDOW KRYNAUW
J. HOETS	W. JACOBSE
A. CARSTENS	A. VAN DER POEL
WIDOW AURKAMER	J. G. STEYTLER
J. H. MALAN	F. P. HEINENBERG
WIDOW KOCKENBACH	M. WOLFF
J. F. SERRURIER	WIDOW LANGERAAD
A. KRYNOUW	J. DE WET
F. HOOGER	C. DEMPERS
JACOB MOSTERD	C. CRUYWAGEN
J. H. LESAR	H. HOLLE
J. L. GAUM	JAC. DE JONGH
G. HENNIG	F. S. BOTHA
SHERMAN	J. J. MEINERT
P. F. HAMMES	C. LUDWIG
WIDOW D. BYL	P. VAN DER SPUY
P. J. DE VILLIERS	J. M. BRINK
C. WOLHUTER	J. VAN SCHOOR
M. VAN BLERK	M. W. THEUNISSEN
C. HANCKE	W. KAUCH
J. N. ROSSOUW	W. G. LOTTER
S. HOFMEYR	W. CLAASEN
H. DE VOS	J. W. STEYTLER
P. W. KEYTEL	A. WOLHUTER
O. J. TRUTER	M. VAN DER SPUY
P. J. WANNENBURG	J. H. BYLEVELD
J. BANTJES	C. MOSTERD
C. DE WAAL	W. A. DE VOS
WIDOW G. MULLER	D. LESAR
J. WID	C. C. MOCKE
J. J. STEYTLER, Senior	F. W. WOEKF
L. W. BECK	J. A. TERCH'
C. A. STORM	PALLAS & POLEMAN

J. F. SERRURIER	J. L. WAHL
W. F. BERNINGH	R. LOGIE
H. DE VILLIERS	G. ANDERSON
R. HEIDENRYCH	F. SCHUTTE
J. L. VOS	C. A. SMITH
WIDOW LIPPERT	C. M. DE WET
J. W. GIE	A. KUYS
D. FOCK	A. KUYS, q.q.
J. C. SMITH	J. J. BRUGMAN
J. ECKSTEEN	J. S. F. BOTHA
A. P. DE VILLIERS	P. J. HAMMES
P. E. BIEL	D. KOSTER, q.q.
M. LOTTER	WIDOW MACK
J. VAN DER SPUY	WIDOW P. F. HAMMES
J. LOUW	J. VAN DER SPUY
T. VAN EYSEN	J. ROSSOUW
J. A. WID	G. SPENGLER
D. W. HERTZOG	WIDOW LEIBBRANDT
P. MOLL	J. A. JOUBERT
P. J. LANGEVELD	J. G. WAGNER
C. BAM	D. BRINK
S. LEIBBRANDT	J. H. VOS
C. J. LUYT	R. A. ZEDERBERGH
J. F. GRONDELER	D. ROUX
J. VAN DER SPUY	G. N. WOLHUTER
H. HECKROODT	R. A. PEACH
J. H. STADLER	G. D. BYL
J. MALAN	P. G. HAMMES
O. G. DE WET	A. J. LEIBBRANDT
J. H. GROENEWALD	J. C. DE WET
W. F. HELSDINGEN	J. J. LE SUEUR
JOHANNES WEIDEMAN	K. DE KOCK
J. J. KOTZE	HENDRIK DE JONGH
S. FRAENKEL	D. J. DE VILLIERS
O. G. LEY	J. G. BLANCKENBERG
J. J. JACOBSE	C. MCKENZIE
WIDOW ALLEMAN	K. VAN BREDA
M. W. THEUNISSEN	R. WITZEN
G. SCHEUBLE	C. ALTENSTEED
JOHANNES DE JONGH	G. MUNNIK

P. F. DE VILLIERS	J. D. OVERBEEK
J. J. A. STORM	Wm. TOISSAIN1
J. BLATT	G. DREYER
J. A. SMUTS	J. HEINRICH
G. J. CRUYWAGEN	D. G. BRESLER
A. J. WIID	H. SANDENBERGH
C. C. KOCK	J. BLANCKENBERG
J. J. CRUYWAGEN	J. J. PETON
J. J. BAARD	J. G. BAM
J. H. WOLFF	R. J. VAN DER RIET
D. KUYS	G. ROSSOUW
P. F. ROSSOUW	WIDOW J. DE KOCK
J. H. BAM	C. C. BRESLER
J. W. LOUW	WIDOW ROSSOUW
M. J. VERCUEIL	J. M. THEUNISSEN
WIDOW LE SUEUR	M. C. WOLFF
J. G. BAM	WIDOW SCHEUBLE
F. W. ALLEMAN	S. DE JONGH
C. J. BRAND	J. LETTERSTEDT
J. HABLUTZEL	J. MAUDE
J. P. SCHIKKERLING	H. BLATT
ROSINA ELUNG	C. FRISLEW
A. NELSON	A. GROVE
J. N. VOS	P. DE VILLIERS
S. STRANCK	F. T. DREYER
WIDOW VERMAAK	D. CLOETE
J. P. LOUW	R. C. HOETS
C. v. d. BURGH	D. H. MELLET
J. N. MEESER	P. LOEDOLFF
WIDOW BRESLER	C. A. PENTZ
J. C. GIE	H. H. LOEDOLFF
S. DE KOCK	J. P. H. FAURE
J. JURGENS	A. DREYER
A. J. LOUW	H. G. LEIBBRANDT
J. A. BAM	A. A. BRUYNS
J. JACOBSE	J. J. VOS
N. J. ROSSOUW	J. P. DE WET
G. LINDENBAUM	L. J. SMITH
A. J. BECKER	W. F. MULLER
J. F. HEIDENRYCH	J. G. LOEDOLFF

C. C. FISCHER	D. D. DE VILLIERS
L. LINDENBAUM	G. J. VOS
J. H. REDELINGHUYSEN	T. MEESER
P. M. TESSELAAR	J. FICK
D. P. BRINK	M. A. SMUTS
J. KRAFFT	D. J. DE VILLIERS
J. J. LOUW	J. T. DREYER
P. BOONSAAYER	J. C. LEHMAN
W. LIESCHING	W. A. DE VRIES
H. P. MOLLER	J. C. BRINK
P. J. PENTZ	C. LIESCHING
J. SERRURIER	J. P. FAURE
WIDOW J. A. MUNNIK	M. WOEKE
J. F. MEYER	J. F. HECKROODT
C. D. HAUPT	J. H. LOEDOLFF
W. VERSFELD	WIDOW CLOETE
J. F. PENTZ	J. W. HURTER
M. A. BERGH	J. H. HOFMEYR
JOHN HARE	G. F. GEYER
C. S. HAYLETT	D. G. VAN BREDA
L. LINDEMAN	J. DE KOCK
P. U. FISCHER	W. J. SMUTS
J. F. LOUW	A. J. VAN BREDA
F. HEIDENRYCH	D. KRYNOUW
P. S. WOUDBERGH	A. E. DE WAAL
D. H. KELLERMAN	J. D. LE RICHE
H. THEUBES	P. KRIGE
M. SMUTS	P. RENS
WIDOW CRUYWAGEN	M. A. VAN SCHOOR
A. J. CRUYWAGEN	J. H. BUYTENDAG
J. F. JURGENS	A. LOUW
Js. COMBRINK	B. DE RONDE
M. C. VOS	J. C. LOEDOLFF
M. THALWITZER	J. TROMP
P. J. SWEMMER	D. VAN REENEN
L. DE JONGH	L. F. FISCHER
T. VAN SCHALKWYK	A. VAN SITTERT
G. MUNNIK	W. HITZEROOTH
A. C. CLOETE	H. W. LATEGAN
WIDOW G. MULLER	DK. VAN REENEN

H. SCHUTTE  
P. STADLER  
J. H. LOEDOLFF  
A. VAN BREDA  
M. D. KEYZER  
W. A. DE VRIES

N. H. E. SMIT  
AS. BRINK  
J. SCHULTZ  
D. WAHL  
J. P. VISSER  
G. F. HENNIG

Truly and faithfully translated by

(Signed) P. J. TRUTER, Secretary.

[Annexure.]

Resolutions of the House of Commons passed 15th May 1823,  
and put and agreed to in the House of Lords on the  
7th March 1826 :—

“ That it is expedient to adopt effectual and decisive measures for ameliorating the condition of the Slave population of His Majesty’s Colonies.

“ That through a determined and vigorous, but at the same time judicious and temperate, enforcement of such measures, this House looks forward to a progressive improvement in the character of the Slave population, such as may prepare them for a participation in those Civil rights and privileges which are enjoyed by other classes of His Majesty’s subjects.

“ That this House is anxious for the accomplishment of those purposes at the earliest period that may be, consistently with the welfare of the Slaves themselves and the well-being of the Colonies, and a fair and equitable consideration of the state of property therein.”

[Enclosure 4 in the above.]

To the Landdrost and Heemraeden of the Stellenbosch District.

GENTLEMEN,—Fear and anxiety have led the Inhabitants of this District, on the 3rd of July last, to request by a Memorial that you would use every endeavour with Government to cause the publication of the Ordinance of Government in Council of 19th June last, No. 19, not to take place, lest the said Ordinance should thereby be confirmed as a Law before we had been heard, though you, as Fathers of us Citizens, in defence of our

rights and grievances, before the Government, as well here in this Colony as in our Mother Country.

The extraordinary dangers which surround us, and the uncertainty under which we labour, compel us again to address ourselves jointly to you, with this Memorial, as we are convinced that you Gentlemen, as Fathers of this District, will with eagerness take into your consideration our grievances and the dangers which surround us, and which, as your Children, we now come to lay before you.

Warm and enthusiastic zealots, of an exaggerated philanthropy, and consequently of violent emancipation of Slaves, have depicted and exposed our grievances as groundless, and our foreseen dangers as mere chimeras. But do not facts confirm the grievances laid before you in our former Memorial ? Do not you still remember that in the Month of January 1822 a Slave of John Tobias Laubscher, then Inhabitant of this District, called Sephir, accused his Master of having first flogged him with a Sjambok (achter os Sjambok) and afterwards cut him with a knife in his Breast, through his Shirt and Waistcoat? Did not the said Slave show his Waistcoat and Shirt with the marks of a Cut through it ? Yea, did he not even show a wound upon his left breast of  $1\frac{1}{2}$  inch ?

And did not your Board, after due investigation, find the whole accusation to be false, and that the said Slave did actually wound himself, only to accuse his Master ? and was not said Slave, for his false accusation, punished with 50 lashes ?

A Slave of Adriaan Louw, Henry Son, called Saptoe, in the Year 1814 also accused his Master of having beaten him a hole in his head with a Scummer ? was not that accusation found by the Judge to be false ?

A Slave of Henry Loedolff accused his Master in 1822 of Manslaughter of a Slave. That accusation was made, with so much probability, that even the public accuser made a claim for punishment against the Master, and did not your board find that the whole accusation was false and untrue, and consequently declared the Master to be clearly innocent of the charges ?

Now about three or four years ago similar false accusations were brought forward against our fellow Citizens Jan Vermaak, and Jacobus Louw. Vermaak was by one of his Slaves charged

with the Crime of manslaughter of a fellow Slave, but the Judge found the same to be wholly unfounded and false.

But we principally call your attention, Gentlemen, to the accusation of manslaughter of a Slave, of which crime Jacobus Louw, inhabitant of Zwartland, was accused by his Slave, and which accusation was made with so much *probability* and *consistency* that even the Court of Justice, thereby misled, then ordered the necessary inspections to take place, and that the Master should be brought up to Town before the Criminal Judge.

And did not your Board, at the time of your inspection, and after examination of the Witnesses on the spot, find that the whole accusation was as false as malicious ? Father, Mother, and all the Slaves then gave evidence against the accuser, and suppose this did not happen, then a respectable and innocent Citizen would on false accusation of a Slave have been brought up to this Town as a Criminal, as a Murderer.

And finally, we call your attention Gentlemen ! to the accusation brought forward some years ago against Isaak Rossouw Sr. by his Slave, in which the scaffold would have been the punishment, and in which case, after a long and difficult investigation, the Slaves at last confessed that they had charged their Master with the Crime *only* to see their Master brought on the scaffold.

Such were the accusations brought forward by the Slaves against their Masters, when they were by Law obliged to prove an accusation or a Crime, and what will they now do, as according to the Ordinance no obligation rests upon them to prove the Accusation ?

A case of a recent occurrence gives us ample proof of the consequences.

Did not on the 3rd July last, while the Ordinance was not yet carried into effect, a Slave of Gerrit Morkel, called Damon, accuse his Master before the Magistrate of this District, that his Master as a punishment had inflicted a wound upon his head ? And did not the Magistrate, after investigation, find, from the confession of the Slave afterwards made, that a fellow Slave did give him that wound ?

Was not the Slave, for his false accusation, punished with 15 lashes ?

Now then, will any one say that our apprehensions for false accusations are unfounded ? And will not every Master, on the false accusation of his Slave, according to the 17th Article of the Ordinance, become a Sacrifice ? When two Citizens of this Colony, when two Christians appear before the Court, and the one accuses the other, then the Accuser must prove his Statement, and failing in this respect the accused is free. And Gentlemen ! it grieves us, it brings our Nerves and Bowels in agitation, on the revolting, and for the Inhabitants of a Civilized Community, shuddering idea, that a Slave, accusing his Master, and shewing merely a wound, the Master, denying the accusation, is notwithstanding to be condemned as an illtreater of Slaves, and to lose his whole credit and reputation, whilst the Slave as a reward of his false accusation, and of his immoral conduct, received his freedom from His Majesty, according to the 43rd Article of the Ordinance.

¶ The consequences Gentlemen of all this are, that the Slave enjoys more privileges in this Colony than his Master. And Gentlemen must this not be a heartrending idea to an Inhabitant of this District, yea to the whole Colony, that *we*, who are to pay the Taxes for the support of this Colony, whilst the Slave contributes nothing thereto, and that *we* who pay taxes, even for the Slave himself, *we* who leave our homes to sacrifice our life and property on the Frontier against the Kaffers and our Enemies, for the protection of our Country, without receiving the least reward or thanks for it, while the Slave passes his time here at his ease and leisure, that the word of us, who are educated in morals and religion, will deserve less credit than that of an immoral and heathen Slave ?

And where is the benevolent Regent who will still say that we Inhabitants of this District have no reasons to complain, no grievances against that part of the Ordinance ?

All these circumstances and facts which are known to you, we have adduced in the full expectation that you will lay them before the Lieutenant Governor in Council, to prove thereby that our apprehensions and prospects are really not unfounded.

All this has induced us to look out for the means of removing those apprehensions, and we have been informed by our Countrymen in Cape Town of the Resolutions of Parliament

taken on the 7th March 1826, from which it does nowhere appear that the British Parliament intended such a forcible emancipation as the present, but on the contrary have desired that an amelioration and abolition of Slavery should be conferred as soon as possible, consistently with the well being of the Slave himself, the Security of the Colony, and a just and fair adjustment of the right of private property.

They have also acquainted us with the debate held by the Ministers in the Parliament of England, in which it is clearly stated by them that in case the Colonists were ready to meet the British Government in their measures for the amelioration and gradual abolition of Slavery, it must then be left to the Colonists themselves to do this in a manner most suitable to the security of themselves and the Colony.

We have already stated to you, in our former Memorial, how ready and willing we were to coöperate to the attainment of the object the British Government had in view, but that we wished to see this effected in a manner less pressing upon us and less injurious and pernicious for us and the Colony itself.

And for this purpose we beg that a Committee of Twelve of the most respectable, best situated, and most intelligent Inhabitants of this District may be appointed, who, in conjunction with the Committee at present appointed (as we are informed) in Cape Town, shall draw up Plans for the gradual abolition of Slavery and for the better Establishment of a free Slave Population, to be laid before Government.

The Honorable Government will have no objections against it, as we intend to comply with the wishes of Government, though not in a manner by which our lives and that of our Wives and Children must be endangered and surrendered to fire and murder.

We have however seen in the Ordinance that it will be enforced on the 1st August next, and this gave rise to the consideration that whenever the plans for a gradual emancipation of Slaves, which will be proposed by us, jointly with the Inhabitants of Cape Town, be approved and adopted in the Place of that which is contained in the present Ordinance, *that We*, should the Ordinance continue to operate from the 1st of August next, will already have undergone those dangers and grievances which we wish to avoid by establishing other plans,

yea that the Slave will in the mean time have given himself over to such a degree of disobedience and petulance that it will hereafter, by the intended plans, however good and liberal, be difficult and almost impossible to bring the Slave back to his usual submission, whilst at the same time, by an enforced emancipation for half the value, we will already have become beggars ; and then, we fear, it will be too late to remove murder and robbery from this Colony.

It is for these, so well grounded considerations, that we beg of you, Gentlemen, to urge the Colonial Government, with all possible force and energy, to suspend the effect of the Ordinance until His Majesty our Gracious King in Council shall have decided upon our plans, to be laid before His Majesty.

These are the two requests, which for our common interest we beg you will not refuse.

Your interest Gentlemen is ours, our Interest is yours. The black clouds of dangers hover over our heads as well as over yours. The murder from the dagger of the incited Slaves, animated with a spirit of freedom, is aimed at the heart as well of you as of Us !

Not we, not we alone, but you all will weep over the Corpses of murdered Wife and Children. The flames of devastation will not alone destroy our habitations, but will also cause your Houses to fall to ruin ! Not alone our Wives and Daughters, but also yours, will in a libidinous manner be prosecuted by our Slaves with rape and defloration, and when after all this, out of the pit of our murdered fellow Citizens a Saint Domingo has arisen, then, may God grant that we be no more amongst the living, but then you yourselves will be compelled by the Slaves who fought themselves free to carry the bones of your Wife and your Child to make a monument of their freedom obtained by fire and murder.

And all this Gentlemen ! you can forecome, you can deliver us and you, and you and us, from all those horrors by steadiness, by manly calmness, and by laying before Government and by defending our interest and your interest with force and energy.

Wherefore we particularly beg that you will inform Government of the conversation which took place some evenings ago in the Streets of this Village amongst eight Slaves and overheard by our greatly respected Heemraad Mr. A. C. van der

Byl, when one Slave was advising the other to begin with August next to make himself ready to stand his man, and similar other expressions which all breathe Sedition and revolution.

And finally we beg, Gentlemen, that in addressing yourselves to Government on our behalf, you will submit Copies or Translations as well of our former as the present Memorial, in order fully to acquaint the Government with our true and liberal intentions.

With the Article 109 of your Instructions, Gentlemen, in our hands, whereby we look up to you as the protectors of our property, interests, and lives, with the fullest reliance on your steadiness and honesty, we place in your hands our lives and your own, and we expect that you will manly decide whether you will place our lives and our Country in the hands of incited Slaves.

Stellenbosch, July 10th 1826.

(Signed)	F. R. L. NEETHLING	D. CLOETE
	J. A. MINNAAR	F. ROSSOUW
	P. A. MYBURGH	P. W. DE VILLIERS
	A. P. HUBNER	J. N. KRIGE
	W. J. LOUW	J. G. DE VILLIERS
	J. R. LOUW	J. ROUX
	H. VOS, HS.	M. A. KRIGE
	A. J. ALING	C. BRINK, JS.
	J. P. VOLSTEEDT	P. D. DE VILLIERS
	L. P. VAN DER POEL	P. G. VAN DER BYL
	J. L. LIEBENTROUW	D. BRINK, JR.
	J. C. ECKSTEEN	J. M. THEUNISSEN
	H. P. LIEBENTROUW	H. GILDENHUYSEN
	W. DE VILLIERS	J. P. MINNAAR
	F. G. ACKERMAN	A. N. DE VILLIERS
	G. J. BOSMAN	G. C. IMMELMAN
	A. J. MARAIS	J. W. NEETHLING
	D. W. HOFFMAN	H. J. MORKELE
	D. F. DE VILLIERS	D. DE VILLIERS
	S. DE VILLIERS	J. S. BRINK
	J. N. KRIGE	J. D. VICTOR
	D. JACOBS	A. J. MYBURGH

W. ESTERHUYSEN	A. J. VAN COLLER
D. MALAN	A. M. HORAK
JAN DE VILLIERS	W. VICTOR
J. N. DE VILLIERS	R. H. MYBURGH
C. E. MARAIS	H. CLOETE
C. A. HAUPT	P. A. CLOETE
J. HAMMAN	M. DE KOCK
D. LOUW	F. J. BOSMAN
G. DE VILLIERS	P. VAN DER BYL
F. H. VOLSTEEDT	J. DE VILLIERS
P. W. HAUPT	F. J. BERNHARDIE
JACOB MINNAAR	F. NEETHLING
J. FAURE	H. NEETHLING
P. WATNEY	J. H. DE VILLIERS
A. MEIRING	H. ESTERHUYZEN
J. J. DE MELANDER	M. W. THEUNISSEN
C. L. NEETHLING	J. F. ACKERMAN
A. BOSMAN	P. J. VAN DER POEL
A. P. MARAIS	J. C. WALTPOT
A. DE VILLIERS	J. A. BEYERS
J. DE VILLIERS	M. BEYERS
W. MARAIS	D. MORKEL
F. ROSSOUW	P. H. MORKEL
F. ROOS	W. D. HOFFMAN
J. J. DE VILLIERS	A. WAHL
G. J. JOUBERT	J. C. ADENDORF
A. P. DE VILLIERS	A. P. LOUW
A. P. FICK	J. L. LINDENBERG
C. BRINK, Cs.	W. MYBURGH
P. W. DE VOS	JAN APPEL
H. WESSELS	M. M. VAN DER SPUY
O. M. BERGH	J. CATS
Jos. HARTOG	H. COPPENHAGEN
J. D. HUGO	MARTIENSEN
P. BORCHERDS	N. VAN DER POEL
L. V. VAN DER POEL	

[Enclosure 5 in the above.]

To His Honor Major-General Richard Bourke, C.B., and Honorable Members of the Council.

We the undersigned Inhabitants of Cape Town being friendly to the intentions of the British Government in principle to take measures for ameliorating the condition and for gradually abolishing the state of Slavery in this Colony with as little prejudice to the owners of slaves and as little inconvenience or danger to the public as possible, do humbly pray

That it may please your Honor to allow a public meeting to take place in the Town Hall on such a day as Government may deem proper, merely and solely for the purpose of selecting and voting for a Committee consisting of twenty-five Persons, in order to draw up a humble petition to His Majesty, our gracious King in Council, submitting a plan on which the inhabitants of this Colony consider it possible, under the existing circumstances of the Colony, to attain the desired object in a different manner from that proposed by the Ordinance of Your Honor in Council of the 19th June last, and consequently to pray for a repeal of that Ordinance and for a substitution of another conformable to the plan to be proposed in its place ; and that such Petition may afterwards be open in the Town Hall for the signature of the Public.

And Memorialists as in duty bound will ever pray &c.

Cape Town, July 10th 1826.

(Signed)	J. J. VAN DEN BERG	J. A. TRUTER, Junr.
	C. MATTHIESSEN	H. G. MUNTINGH
	G. E. OVERBECK	C. J. BRAND
	J. D. GRIMBEEK	J. K. VAN OOSTERZEE
	R. WITSEN	C. LIESCHING
	O. J. TRUTER	J. A. JOUBERT
	H. Ross	H. A. BYLEVeld
	J. T. BECK	N. H. E. SMIT
	D. B. KUUHL	M. J. SMIT
	J. VAN DEN BERG	L. J. SMITH
	J. H. HOFMEYR	H. VAN BLERK

S. J. VAN DER SPUY	A. VAN BLERK
J. J. Vos	J. J. BRUGMAN
J. J. STEYTLER, Junr	F. P. VAN DER SCHYFF
J. HABLUTZEL	H. A. SMIT
A. J. LEY	J. D. RAUCH
D. J. DE VILLIERS	N. S. HAYLETT
P. J. DE VILLIERS	L. W. C. BECK
R. A. ZEDERBERG	C. DE WAAL
G. J. Vos	M. W. THEUNISSEN
DR. WEHR	O. F. SERRURIER
J. F. PENTZ	J. D. JURGENS
M. P. PENTZ	J. W. HURTER
M. VAN BLERK	A. V. LOTTER
WIDOW H. CLAASSEN	J. S. LEIBBRANDT
J. DE WET	R. J. HEIDENRYCK
J. A. SMUTS	J. CARFRAE & Co.
P. J. WANNENBURG	L. HERMAN
S. FRAENKEL	J. H. BAM
G. C. CRUYWAGEN	N. J. RUSSOUW
P. G. VAN DER BYL	J. G. STEGMAN

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[Original.]

*Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.*

48 LOWER GROSVENOR STREET,  
LONDON, 20th July 1826.

SIR,—I have the honor to acknowledge the receipt of your Letter of the 14th Instant, transmitting to me by Earl Bathurst's Direction, a Letter from Mr. Beddy of Dublin (which I herewith return) relative to the prospects of his Son in the Establishment of a Grammar School at the Cape of Good Hope, and in obedience to His Lordship's desire that I would furnish him with such observations upon it as it may occur to me to make, I have the honor to say, that it appears from Mr. Beddy's Letter, that his Son engaged in August 1823 to go to the Cape as Tutor to the Family of a Gentleman proceeding thither and that he arrived at the Cape at the close of that year, that after he had had the experience of some time in the Colony he considered that it would be advantageous to his private interests to extend his

School ; with this view he applied to me for permission to keep a School. His application having been reported upon favorably by the School Commission, to whom it was my duty to refer it, my assent was given him. It further appears that he was so far successful that in March 1825 he had 32 Pupils and that in December of last year (since which it would appear that Mr. Beddy Senior has not heard from his Son) that number was not decreased. It is manifest therefore that Mr. Beddy in lieu of having to complain of want of success in his Speculation at the Cape, in opening a public School and quitting the private engagement he made in Ireland, has no cause of complaint, except that he is not permitted to have a Monopoly and that the youth of [the] Cape should have any other means of Instruction except through him. Mr. Beddy cannot complain of any want of countenance on the part of the Government, as at his request, I attended with my Family, with a view of giving him that countenance, at the half yearly public Examination of his pupils at the close of the last year.

His Lordship will perceive that the representation I had the honor of making, on the 29th of October 1823, (previous to the arrival of Mr. Beddy at the Cape) pressing the advantages that would accrue from the establishment of a Grammar School under a Gentleman of superior acquirements, only went to substitute such an Establishment for that which then existed under the Rector Gymnasius. No additional Establishment therefore has been formed by the appointment of the Revd. Mr. Judge, but that which did exist was improved and rendered more efficient and more useful. His Lordship from this detail will judge with what justice Mr. Beddy can ask that the Establishments for the instruction of youth at the Cape should be set aside upon the Sole plea of augmenting his Gains. I have reason to believe that the population at the Cape is ample to fill both the Establishments, but it is well known that the success of Establishments of this Nature depends more upon the talents and efficiency of those who instruct than upon any support that can be derived from any other Source. Mr. Beddy must like others therefore rest upon his own Merits.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to WILLIAM HILL, ESQRE.*

DOWNING STREET, 20 July 1826.

SIR,—I have received the Earl Bathurst's directions to transmit to you enclosed for the consideration of the Lords Commissioners of His Majesty's Treasury the accompanying copies of a letter and of its enclosure which have been received from Mr. Abraham Borradale, Chairman of the Committee of Merchants trading to the Cape of Good Hope, representing the inconvenience and loss which are sustained by small traders in the Colony from the insufficient amount of Copper Coin in Circulation. I am &c.

(Signed)      R. W. HAY.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to W. H. REVELEY, ESQRE.*

DOWNING STREET, 20th July 1826.

SIR,—I am directed by Earl Bathurst to acquaint you that passages have been engaged for you, your Wife, and one female Servant, and also for your Assistant, on board the *Susanna* which will sail from the London Dock for the Cape of Good Hope about the 24th of this month. I am &c.

(Signed)      R. W. HAY.

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[Copy.]

*Letter from the COMMISSIONERS OF ENQUIRY to MAJOR GENERAL BOURKE.*

CAPE TOWN, 20th July 1826.

SIR,—We have the honor to acknowledge the receipt of your letter of the 13th Inst., enclosing the remarks of Mr. D'Escury upon the inconvenience that would attend the

fulfilment of His Majesty's Commands, communicated in the year 1820, for the restriction in the employment of Slaves in the Grants in future to be made in the frontier Districts, and stating to us the proposal that you have it in contemplation to submit to Earl Bathurst, for the definition of a line (30 miles within the Boundary) beyond which the restriction in question should apply.

In reply we have the honor to state, that although we do not anticipate any positive objection in principle to the limit that you have proposed, provided the old frontier line be the basis from which the distance of the internal line is to be calculated, yet we feel it our duty to represent to Your Honor, that the extension that has either been, or is intended to be given to the Frontier, if finally adopted, and taken as the basis of the prohibition that Lord Bathurst has enjoined, will utterly defeat the views of His Lordship with regard to the restriction of Slave Labour, and even have the effect of encouraging its continuance by a class of Proprietors who are the least worthy of any such indulgence, and in a part of the Country where it is the most liable to abuse. Having had occasion in obedience to Lord Bathurst's Instructions to report to His Lordship the non-observance of His Majesty's Commands, except upon a small part of the Frontier, bounded by the present District of Albany, and having recently adverted in our Letter of the 3rd Inst., to the extent of the encroachments of the Boers upon the Tracts of Country occupied by the Bushmen (the illegal occupancies to which Mr. D'Escury alludes) we have again referred to the papers of Mr. D'Escury in our possession, and in particular to a Report that was made by him to Sir Rufane Donkin in 1821, upon the confused and irregular manner in which the Lands had been occupied in the "Ghoup" and in other parts of the Frontier Districts, that are within the old Boundary, and as the observations of Mr. D'Escury are in some respects at variance with his present remarks, and as the opinions of Sir Rufane Donkin and of Lord Charles Somerset are expressed in the margins of that Report, we take the liberty of referring Your Honor to it, as calculated to explain some of the difficulties that are opposed to any immediate decision of a question in which such various interests and such important principles are involved.

Without adverting in this place to the measures that may be politic and just for checking the encroachments of the Boers, as well upon the Bushmen, as upon the Caffre Frontier, the reserves that it will be necessary to make for the settlement of the former, and the peculiar evils incidental to the condition of Slaves, and the hazard of illicit Slave Trade when so far removed from the civilized parts of the Colony and protection of any Magistrate, we would confine our observations to the terms of His Majesty's Commands, which did not apply the restriction to certain classes of the Inhabitants, as supposed by Mr. D'Escury, but required that it should be inserted in all Grants of Land to be made in certain Districts of the Colony.

We beg leave therefore to observe that the occupiers of Loan Places who were in possession of their Leases in 1812, who have continued to reside and to pay Rent to the Government, but who have delayed or neglected to obtain their conversion to Quitrent, do certainly appear to us to have an equitable claim to these Grants, without the restrictive clause. And for the reasons stated by Mr. D'Escury, it also appears to us that the lands accroached to these places, or situated strictly between them, might be inconveniently subjected to different conditions, if they should be granted to the same persons. But as the grant of Loan Leases ceased in the year 1812, and as the encroachments of the Boers have been allowed by local Magistrates to extend even beyond the old established Boundary, and to comprehend vast Tracts of land which were not recognized to be within that Boundary, or appertaining to the Colony at the period of the promulgation of His Majesty's Commands, we cannot recognize the justice of conceding so important a principle in favor of a description of persons who, from their habits and prejudices, are more likely to obstruct the tranquil settlement of the Frontier and the civilization of the Tribes whom they have dispossessed and reduced to servitude, than to afford protection to the Colony from the hostilities of the latter. Indeed Mr. D'Escury admits in his Report that their dispersion upon such a frontier is a source of weakness rather than of strength.

We certainly comprehend that difficulties may be felt in applying the restriction even within the ancient Boundary of the Colony, and we cannot consider that the operation of it

upon lands called "Request Places" and altogether illegally occupied, would involve the same objections. On the contrary, that to legalize Slavery over an extent of Country of which the native Possessors have been so recently dispossessed, and that has been occupied in defiance of the orders of Government, might be regarded not only as a compromise of the character of the British Government, but as a dereliction of its policy and of those principles that were declared in Parliament at the period that our Inquiry was instituted.

With these views and impressions, we beg leave to suggest to Your Honor that all Grants of Land beyond the ancient Boundaries of the Colony may be suspended until a regular Survey of the Frontier can be made by competent persons, and who may be instructed to ascertain the practicability of limiting, rather than of extending, the Boundary Line. And as the Lands occupied by the Bastaards and Bushmen on the Frontiers of the Worcester and Graaff Reinet Districts were interspersed with those that are now occupied by the Boers, it would at the same time be practicable to determine upon the plans that it might be just to resume for the resettlement of those people, as well as for the formation of such Establishments as the extension of the Colony we apprehend will render indispensable.

We contemplate the advantages that will result from the future personal observations of your Honor, when you have an opportunity of visiting the Frontiers. And as Mr. D'Escury alludes to the delays that have attended the conversion of Loan Tenures, we would suggest that the completion of those Grants within the Colony, as to which no question can be raised, is a measure of greater importance to the Revenue than the confirmation of distant Grants of Pasture Land, which are liable to many serious objections both as they regard the Individuals who now occupy them, and the unfortunate Natives, from whom they have been gradually but we fear forcibly wrested.

Meanwhile as we believe that the few Slaves whom the Boers beyond the Frontiers possess are rarely employed as Herdsmen, seeing Husbandry is precluded from the nature of the Country, and as the prohibition does not apply to the Hottentot Bastaards and Bushmen employed in their service, we think it might be

desirable to ascertain their disposition to accept of Grants subject to the restriction upon the employment of Slaves on the land ; as one material objection would then be removed to the confirmation of their tenure at a future period, although the evils resulting from dispossessing the Bushmen of their Kraals, and extending the Establishments of the Colony over an infertile Region would still be experienced. We have &c.

(Signed) JOHN THOMAS BIGGE,  
W. M. G. COLEBROOKE,  
W. BLAIR.

P.S.—Since we concluded our Letter, we have referred to Mr. De Smidt who is entrusted with the charge of the Records of the Grants of Land, and we are glad to find that no Grants have hitherto been made in any of the frontier Districts which we have enumerated ; although many of the Reports of Inspections are in the hands of Mr. D'Escury. Mr. De Smidt, who has travelled through part of those Districts within the last two years, has confirmed the information we had received from other sources as to their general infertility, and the impracticability that exists in many situations of effecting any permanent settlement, the Boers having been driven with their Flocks beyond the boundary and on the Orange River during the last dry season, and being generally obliged to return at certain seasons within the old boundary to find pasturage for their Stock. He states that many of the Boers have no Slaves, and the few that are amongst them are employed exclusively in domestic purposes.

(Initialed) J. T. B.,  
W. M. G. C.,  
W. B.

[Original.]

*Letter from LIEUTENANT-GENERAL G. J. HALL to R. WILMOT  
HORTON, ESQRE.*

CHELTENHAM, July 20th 1826.

SIR,—May I request of you to lay the enclosed correspondence before Earl Bathurst.

It may not be considered misplaced to remind His Lordship

that when I was ordered on the Cape Staff as next in command to Lord Charles Somerset, I felt no small degree of disappointment when I found that the Lieutenant Governor's salary of £3,000 was struck off since my appointment, thereby leaving me about £720 per annum to maintain the same representation which my Predecessor (General Meade) received nearly £4,000 per annum to support.

I remonstrated with Lord Charles on the total inadequacy of the staff pay to meet my necessary expenditure, and that my private funds must be sacrificed to the station, and that I thought it but an act of justice to extend to me the same allowance, (an opinion in which I have been since more strongly confirmed) as it has been revived in the successor (General Bourke).

After my pressing departure for Mauritius Earl Bathurst was pleased to direct that the sum of £270 should be paid me by Lord Charles Somerset as compensation (above my staff pay) for the seven months I served at the Cape, which sum constituted the claim referred to in the annexed correspondence.

When Lord Charles wrote to me from the Cape accompanying a letter from Major Rogers with a Draft for *half* the amount, I replied to Lord Charles, that I would *not* enter into any partial compromise with Major Rogers, but must have the entire sum or *none*. I wrote again to Lord Charles through Mr. Courtenay, and was willing to attribute his Lordship's silence to those letters to the prospect of his speedy return to England when matters would be arranged.

It is therefore with considerable surprise that I learn of Major Rogers' retirement from the service, without any previous notification to me which might have enabled me to recover my money by a seasonable application either to your office or the Horse Guards.

When it is considered that the furniture for my house at the Cape cost together with my equipment at least £1200, my passage out with my family £400 more, beside the loss of many valuable articles which were forwarded me to the Cape after my departure, and were *also* handed over to Major Rogers for sale (as unsuitable to the Mauritius climate), all which Lord Charles can attest, it will appear that my staff pay afforded me but a miserable aid.

As Lord Charles and myself had always lived on the best of terms, and carried on our business pleasantly together whilst at the Cape, I was induced from those considerations alone to employ his military secretary as the officer with whom I was accustomed to act. I have &c.

(Signed) G. J. HALL, Lieutenant General.

[Enclosure 1 in the above.]

CHELTENHAM,

MY LORD,—When you last visited this Country, your Lordship promised me that you would represent in strong terms to your military secretary Major Rogers the impropriety of withholding the grant of money which Earl Bathurst had authorised your Lordship to pay me as a compensation for the reduced allowances of Major General on the Staff of the Cape of Good Hope, which originated in my person. As this sum was not authorised until after my departure for Mauritius, and your Lordship expressed a wish to know from me how it was to be disposed of, I requested your Lordship to direct Major Rogers to purchase a commissariat bill with the amount as the best mode of remitting it to my Agents. Within a very short period after this communication I judged it necessary to send my Aid-de-Camp to England, by whom I requested both of your Lordship and Major Rogers that (if the money had not been already remitted) it might be handed over to him for my use and purposes.

On my arrival in England a considerable period after this communication, I not only found that the money had not been paid to my Aid-de-Camp (with whom Major Rogers never even communicated during his long stay at the Cape), but that it had not been remitted in any shape.

It is now, my Lord, nine years since your Lordship's notification to me of the order by Earl Bathurst for the payment of this sum, and surely I cannot be accused of an impatient solicitude if I request of your Lordship to inform me what prospect there appears of payment or what measures have been taken to enforce it, for your Lordship's letter to me from the Cape accompanying Major Rogers' draft for part of the

amount (which I informed your Lordship I should not negociate) gives me little hopes of any spontaneous disposition on the part of Major Rogers to discharge the debt. I have &c.

(Signed) G. J. HALL.

Lord Charles Somerset.

[Enclosure 2 in the above.]

GROSVENOR STREET, July 20th 1826.

MY DEAR GENERAL,—In reply to your letter, I have to state that on my arrival at the Cape in December 1821 I caused it to be stated to Major Rogers that I could not restore him to a situation on my staff unless he took satisfactory measures for liquidating the debt due to you.

Major Rogers entered into some long detail as to the misfortunes which had befallen him (the failure of his agents and the consequent loss of a considerable sum of money) and assured me that he would immediately send you a bill for half the amount, and that the remaining half should follow at the earliest moment that he could scrape it together. On this assurance, I appointed him to my staff. He has now been off my staff altogether nearly 3 years.

He has I understand recently availed himself of the new regulation and sold out of the army as a Major, which will bring him, (or has brought him, if the sale has taken place) £3,200, from which he will have ample funds to discharge the debt he owes you, and I should hope he will no longer delay it.

In consequence of the sale of his Commission, I conceive it would be expedient to apply for the payment without delay.

Believe me &c.

(Signed) CHARLES HENRY SOMERSET.

Lieutenant General G. J. Hall.

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[Original.]

*Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.*

48 LOWER GROSVENOR STREET,  
LONDON, 21<sup>st</sup> July 1826.

SIR,—I have the honor to acknowledge the receipt of your letter of the 24th Ult., transmitting to me the communications Earl Bathurst has received relative to Mr. White and requesting me to furnish his Lordship with any remarks I may wish to offer on the subject of this application, and also my opinion as to the propriety of adopting the course recommended by His Majesty's Commissioners of Inquiry relative to Lieutenant White.

I must first explain that I referred Lieut. White's prayer for an extension of land to the local authority, as I found that although his application had been presented to the Acting Governor in May 1821 no report from the Local Authority had ever been received on the subject, and as much confusion cannot fail to ensue if grants are made without such report from the Local Authorities, I only adopted in this instance the usual course pursued in all similar cases. The extension of land was not granted to Mr. White, in consequence of the report of the local magistrate that it had not been cultivated, and as there was only one person on the location, and as Mr. White did not give any assurance or hold out any expectation that he had any additional labourers to place there, I conceived that it would have been injurious to the Public Interests if under such circumstances I had granted an extension of land. It will however be seen by a reference to my decision on the case of Latham's party that I was careful to guard Mr. White's interests from innovation or injury. I cannot however but perceive, in the perusal of the papers you have done me the honor to transmit to me, that an attempt is made to impress Lord Bathurst with a belief that the extension of land was not granted to Mr. White in consequence of a difference of a *personal nature* between that individual and myself, and it is therefore incumbent upon me to state that it was quite impossible for me to have any transaction of a *personal nature* with Mr. White.

The only intercourse I ever had with Mr. White, exclusive of

this application, was in my capacity of Commander of the Forces, when he applied to me to direct the payment of an account he had given in to the Commanding Engineer on account of the Surveying Service. I informed him that it was quite out of my power to direct the payment of his account until it had been certified by the Commanding Engineer, and I was informed by that officer (Major Holloway) that he could not certify Mr. White's account, as it was extremely incorrect and the charge unsupported by vouchers. I regret that Major Holloway is not on the spot in order to refer to him. Suffice it to say that Major Holloway considered Mr. White's accounts so inaccurately drawn out, that he felt it his duty to recommend that he should not be further employed in the Royal Engineer Department, which he extremely regretted, as Mr. White was the best Draftsman on the station.

As a proof that the extension of land was not refused to Mr. White from any but public grounds, I beg to refer you to a correspondence that took place on my part with the Treasury relative to a claim preferred by Mr. White for a compensation for loss by fire. I annex copies of two letters from me upon the subject, under date 17th January and 6th December 1823, in the former it will be perceived that so far from being inclined to injure Mr. White's interests I endeavoured to forward them by my recommendation.

With regard to the policy of making a grant to Mr. White, and putting the single individual whom he left in possession of the 1200 acres, which comprises Mr. White's grant, I would not presume to offer an opinion to Lord Bathurst. His Lordship has the whole case before him, and I have only to remark that the great evil felt by the English settlers and the only bar to their prosperity is the want of Labourers, and that much mischief has accrued from grants being made to persons not in possession of labourers. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

CAPE OF GOOD HOPE, 17th January 1823.

SIR,—In the Estimate of the expense to be incurred in the Royal Engineer Department on this Station for 1822, trans-

mitted from hence on 1st of October 1821, an item was inserted of £70 being a remuneration for the loss of a subaltern officer's baggage (Lieut. White employed in the duty of the Survey) by fire. It not being customary that Items estimated should be either confirmed or disapproved until the accounts are before the auditors, I take the liberty of troubling you, begging you to ascertain if the items alluded to will be authorized as Lieut. White has applied for it, and I am unwilling to make the issue on my own responsibility. It is necessary for me to add that the occurrence took place when I was absent from this Command on leave in England, but from what I learn of the case I have every reason to recommend its being favorably considered.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

George Harrison, Esqre.,  
Treasury Chambers.

[Original.]

*Letter from MR. WILLIAM BEDDY to EARL BATHURST.*

DUBLIN, 21st July 1826.

MY LORD,—I have again to apologize for intreating your Lordship's recollection of the statement submitted to you in April last.

I am confident that more will not be necessary to state in justification of my so frequent applications than that my son hath already suffered (in his pecuniary interest and mentally) for a year and a half under that severe regulation, and that even when a decision (sooner or later) shall be made he cannot be released from his anxiety and loss for a further term of four to six months.

Permit me then my Lord to solicit your kind and early consideration of his claims. I have &c.

(Signed) WILLIAM BEDDY.

[Original.]

*Petition of Mrs. MARY CONNOR.*

To the Honorable the Earl Bathurst.

The Humble petition of Mary Connor Most Humbly sheweth

Your honr pettr begs leave with all humility to sollicit your honrs humanity to act her relief as being now driven to the greatest Distress and have no means of supporting herself in cork pettrs husband and 7 Children agreed with Mr. John Ingram for 3 years and subsistance for the said term as being Coopers to go to Cape Town pettr haveing the Misfortune of Looseing her passage and her Family and husband gone off to cape town pettr hopes your honr will be so humane as to grant her a passage to go to cape town to her husband and Children and for your honr Prosperity in this Life and Glorious Fellisity in the Next with ardent heart will Fervently pray

(Signed) MARY CONNOR.

CORK, July 21st 1826.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 22 July 1826.

MY DEAR SIR,—Having had occasion to mention to Lord C. Somerset that Lord Bathurst has been enabled to find a Gentleman, Mr. Reveley, who was fully competent to undertake all the duties of the Chief Civil Engineer of the Colony, Lord Charles suggested that by entrusting the charge of the water-works to Mr. Reveley, a saving might be effected of the Salary which is now paid to a Mr. Chisholm for superintending those Works ;

I collect, however, from the note which I have received from his Lordship upon this subject, that Mr. Chisholm receives his Salary from the Town Treasury ; and if he derives his Office under any authority which is considered independent of the Colonial Government, I am afraid that you may not deem it expedient to interfere with him beyond taking from him the charge of the Government Works. I have &c.

(Signed) R. W. HAY.

[Original.]

*Letter from MR. JOHN CARNALL to R. W. HAY, ESQRE.*

35, ABCHURCH LANE, LOMBARD STREET,  
22nd July 1826.

SIR,—In a letter recently addressed by me to Earl Bathurst, calling his Lordship's attention to the sale of my property at the Cape of Good Hope, under sequestration by the agent of Lord Charles Somerset, I inadvertently stated the first sentence of the Court of Justice to be two years banishment, a mistake I now beg leave to correct.

The sentence of the court was one year's banishment and a fine of 50 rixdollars, against which His Majesty's fiscal appealed, when it was aggravated to five years transportation, a decree His Excellency the Governor was pleased to commute to five years banishment.

I beg you will lay this information before his Lordship, with my respectful entreaty that he will give my case his immediate consideration, as I am in a state of absolute want and destitution. Requesting your early answer, I have &c.

(Signed) JOHN CARNALL.

[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 23 July 1826.

SIR,—With reference to my dispatch of the 17th instant in which I acquainted you that the Master General of the Ordnance would be prepared to grant leave to Major Dundas to remain at the Cape of Good Hope for the period of two years, I think it necessary to apprise you that it is not to be understood that this arrangement is to be considered as confirming Major Dundas for the whole of that period in the Office of Landdrost of Albany. I am &c.

(Signed) BATHURST.

[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 24 July 1826.

SIR,—I transmit to you enclosed an extract of a note which the Aooger and Secret Council of Bern have addressed to His Majesty's Minister in Switzerland, requesting that information may be obtained and transmitted to them respecting some property at the Cape of Good Hope which was bequeathed to certain persons, inhabitants of the Canton of Bern ; and I have to desire that you will submit the result of the enquiries which you may institute into this subject, to His Majesty's Fiscal for his opinion as to the steps which should be taken by the parties concerned for the recovery of their property. I am &c.

(Signed)      BATHURST.

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[Original.]

*Letter from MR. WILLIAM GREIG to R. W. HAY, ESQRE.*

32 CITY ROAD, 24th July 1826.

SIR,—I have received letters from my brother Mr. Geo. Greig dated 8th May to which are annexed copies of communications from Sir Richard Plasket on the subject of the non return of Mr. Greig's Printing Materials and I am desired to express to you for the information of Earl Bathurst the great astonishment that he feels at the treatment he had received and has it appears still to expect on that subject, treatment which could he possibly have foreseen no consideration should have induced him to have waved his right to redress against Lord Charles Somerset.

In obeying my brother's instructions and bringing this business fully before Earl Bathurst I have deeply to lament being placed in the situation of corresponding with a different Under Secretary of State to Him who conducted the negociation with my Brother, because much of their discussions were personal and much suggested by Mr. Wilmot Horton and my

brother relying on the good faith of Mr. Horton's assurances, did not insist on having every part of the arrangement entered into reduced to writing, Mr. Horton assuring him that the whole should be carried into effect ; depending on this assurance my Brother was induced to accept Earl Bathurst's proposals, believing that he would, in conformity thereto, on his arrival at the Cape be instantly placed in possession of his Printing Materials (on which an advance had been made) and thereby enabled to resume his business with some prospect of success ; but Sir how great was his surprise to find himself refused the performance of the most important part of the said arrangement, a part which he had always considered as most indispensable, and without which every other would avail him nothing, namely the *immediate* refunding to him his Printing Materials without which it was very apparent his ruin probably would follow, and coldly told "The case is referred back to Earl Bathurst," thus sporting with his feelings, ruining his prospects and affording his rival in Business time to procure Printing Materials from England and thereby securing to himself the Business which in honesty and honor belongs to my Brother who by such proceedings finds himself effectually blighted in his hopes and prospects and his utter ruin rendered almost certain.

My Brother arrived at the Cape in August last and not until the end of the following February, a period of nearly seven months, is informed that his Printing Materials (worn out in service as they must now be) will be returned to him on the arrival out of the *new* Materials that are on the way to be "placed at the disposal of Mr. Bridekirke." Here I would with great submission take the liberty to remind Earl Bathurst of the rapid decay to which Printing Type is subject when in constant use and that the type ordered to be restored has been used by Mr. Bridekirke ever since August 1824 until the present time a period of nearly two years ; this I am enabled to state knowing that the Type shipped by Mr. Courtney had not arrived at the Cape on the 8th of May at which time the Printing Materials intended to be restored must from the aforementioned cause be nearly worn out and my Brother thereby placed in a situation such as he never expected after the positive assurance of Mr. Horton, on the part of Earl Bathurst, to the contrary.

I am also desired to draw his Lordship's attention to the

declaration contained in an extract from a despatch of his Lordship to Lord Charles Somerset dated Downing Street 11th November 1825 (which extract was communicated to Mr. Geo. Greig by the Council at the Cape of Good Hope) wherein his Lordship states, "That at the period when I held out to Mr. Greig the expectation that his Printing Materials would be restored to him upon his return to the Colony, I was not aware that they had in fact been sold to another individual, but as I consider it proper that your Excellency should be enabled to comply fully with the conditions upon which Mr. Greig was allowed to return to the Cape to resume his business as a Printer, I have instructed the Colonial Agent to provide and send to the Colony the Printing Materials enumerated in the Inventory which accompanies your Excellency's dispatch, and which you will place at the disposal of Mr. Bridekirke after the Materials shall have been restored to Mr. Greig, and your Excellency will understand that Mr. Greig must be called upon to repay the value of these materials by fixed instalments, as intimated to him on the 7th of March."

In reply to the first part of this extract, I am desired to state that my Brother made the fact alluded to, namely the *sale* of the Printing Materials, known to Earl Bathurst at an early stage of the communications which he had the honor to hold with Mr. Horton (copies of which are now in my possession, and I humbly submit, fully confirm the above fact) that in his case generally he made it ground of specific grievance "that his Printing Materials &c. had in open violation of the Warrant which directed that they should be sealed up until His Majesty's pleasure should be known," been given over to an individual manifestly to his detriment, and I also find a recognition of this fact in the first paragraph of a dispatch from Mr. Horton to my Brother dated 31st December 1824, also repeated references to the same fact in the course of the correspondence which ensued. Under such circumstances Earl Bathurst will readily perceive that my Brother has not been, nor cannot be placed in the preferable situation which had been held out to him, namely the *immediate* return of the printing materials, and which condition formed a chief inducement for him to consent to return to the Cape.

I beg to submit to Earl Bathurst that it signified not whether

the Types had been *sold* or *lent*, or whether (as was the case) the money had, in shape of a *loan*, been furnished by the Colonial Government to Mr. Bridekirke to enable him to purchase them, it was sufficient cause for complaint that the terms of the "Warrant" were broken and Mr. Greig's right invaded *pending a reference* to his Majesty's Government. This view of the case my Brother understood Mr. Horton to say was felt so strongly by Earl Bathurst as to decide him to order their restoration and thereby shew his Lordship's sense of Mr. Greig's case and his desire to replace him on his former footing. What is now intended to be done can only just technically obey the instructions originally sent out to Lord Charles Somerset, in every other point of view all the other contemplated advantage is irretrievably gone. Had the arrangement been carried into effect on the arrival of my Brother at the Cape he would have been enabled in some degree to have recovered his lost ground which had been seized on during his absence by Mr. Bridekirke and have recommenced his Business in some degree even handed with his opponent; but Lord Charles Somerset's refusal to restore his Materials effectually cramped his exertions, gave his opponent time to supply himself from England with others (but from which latter necessity it appears the munificence of Earl Bathurst has relieved him) and the only advantage my brother has offered to him is the permission to purchase *worn out* materials.

My Brother has forwarded to me copies of the whole of his correspondence with the Colonial Department, also with the Authorities at the Cape, the whole of which I have attentively read over and with great submission beg to state as the decided Conviction of my mind that neither the *spirit* nor the *letter* of the arrangement entered into by Earl Bathurst on the part of his Majesty's Government with my brother has been carried into effect. My Brother finds his hopes and expectations cruelly disappointed, and instead of the facilities and advantages that were held out to him, he has met with a determined and pertinacious opposition from the Colonial Government and every obstacle thrown in his way; so much so that he had made up his mind to refuse purchasing the worn out materials and seek adequate redress from Earl Bathurst. This determination he had come to from conviction that as the arrange-

ment for *immediately* on his arrival out placing him in possession of them had not been carried into effect, that to him and *not* to Mr. Bridekirke ought in justice the new Printing Materials have been sent.

Under the circumstances herein detailed I am instructed to solicit ample justice from Earl Bathurst, and which my Brother feels confident his Lordship will not deny him. Should however his Lordship unfortunately refuse to grant liberal redress my Brother will have left no alternative but immediately to leave the Colony and have recourse to that alternative which he has always endeavoured to avoid, namely a public discussion of his case by Parliament. I have &c.

(Signed) WILLIAM GREIG.

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[Original.]

*Memorial of MR. JAMES THOMAS ERITH to EARL BATHURST.*

No. 2 BARDEN PLACE, PECKHAM,  
SURREY, July 24th 1826.

To the Right Honorable the Earl Bathurst, K.G., one of His Majesty's Principal Secretaries of State, &c., &c., &c.

May it please Your Lordship.

The Memorial of James Thomas Erith humbly sheweth

That your Memorialist has the Honor to acknowledge the receipt of Mr. Hay's reply of the 17th Instant by Your Lordship's direction, and therein is stated, "That after all that has passed on this subject at the Cape His Lordship can only regret that you should persist in thinking that the Government is bound to restore to you your stolen Cattle or the value thereof. His Lordship understands that the Landdrost could not assign to you any of the Cattle which had been recaptured from the Caffres because none was left for him to distribute when you applied for your share. And you are mistaken in supposing that any sum has been advanced to you or your Family by the Colonial Government on account of your claim under that head."

That your Memorialist now finding Verity is not the Charac-

teristick of the Colonial Government, is compelled, with every deference to Your Lordship, to entreat Your Lordship will be pleased to call for *every* Document respecting those Cattle which has passed from 1821 to the end of 1825, and allow your Memorialist copies that he may have it in his power to reply to them, expose Fiction where it is so notorious, and undeceive Your Lordship thereon.

That your Memorialist begs leave to remark to Your Lordship that all applications to the Colonial Government for the Diagram of his land have also proved fruitless, altho' when your Memorialist left England he considered the Documents issued from Your Lordship's office to him were of such a nature that immediate compliance would follow the delivery of them to the Colonial Government. And such confidence did your Memorialist place in them as to induce him to part with Freehold Property which brought him in £65 per annum. Your Memorialist cannot therefore for one moment allow himself to suppose that so solemn a promise on the part of Your Lordship will be violated, as all confidence between man and man is considered confirmed on the firmest basis possible where Documents are given in substantiation thereof. And however plausible the subterfuge the Colonial Government may resort to as a pretext for their non-compliance therewith, your Memorialist feels confident Your Lordship will see thro' such vague representations, and that the dishonourable treatment practised towards your Memorialist has originated in his committing (in the eyes of the Local Authorities alone) the Flagrant Crime the not signing away his Property.

That your Memorialist never can conceive it was the intention of His Majesty's Government that Heads of Parties should have been thus wantonly harassed, destroyed, and deprived of their Servants, and their Legal Agreements destroyed to gratify the desire of an Individual whose Caprice was the only Law for his arbitrary conduct, and who could inflict punishment from private revenge and thereby reap a pecuniary profit. For had the stipulations which issued from Your Lordship's office (viz. "A Grant of Land will be assigned to you on your arrival") been as punctually fulfilled by the Colonial Government as its expected Verity was depended upon by the body of Emigrants who left England in 1820, the serious, distressing,

malignant, and sanguinary acts which have marked their Power could never have had existence. But sent hundreds of miles up an Inland Desolate Country, surrounded by Cruel and Ferocious Savages, placed on Locations by those very Authorities, suffered to expend their Capitals in erecting habitations, depositing all their Garden Seeds, &c., &c., and then to be removed after some weeks residence to again perform the same laborious exertions, was not only premeditately sacrificing their resources, but even the very lives of the Emigrants were trifled with, their efforts paralyzed, and such a pressure of grievous evils commenced as time can never obliterate, the views of Families completely frustrated, and as in the present instance now pressing on Your Lordship's notice, their future prospects in life totally ruined by the rapacious conduct of those " who ought to be a terror to evil doers only," and not even common Christianity shown when it came in contact with their pecuniary concerns, however unjust.

That your Memorialist regrets exceedingly that it has fell to his lot to make such serious charges against the constituted Authorities of the Cape of Good Hope, or to be compelled to trouble Your Lordship with them, but when all good faith was annihilated on the part of those Authorities your Memorialist had no alternative but to lay his case before Your Lordship, there being yet other grievances of a Peculative nature which your Memorialist has not had an opportunity to state to Your Lordship from the aggravated nature of the circumstances already related, but which your Memorialist will in their place humbly submit for Your Lordship's consideration.

That your Memorialist therefore entreats that he may be favoured with copies of the replies of His Excellency the Governor, and that previous to Your Lordship's pronouncing judgment Your Lordship will be pleased to receive your Memorialist's replication to it, your Memorialist not doubting but he will be able to substantiate all the allegations he has hitherto advanced even without the aid of Personal witnesses.

And your Memorialist as in duty bound will ever pray.

(Signed) JAMES THOMAS ERITH.

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[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 25 July 1826.

SIR,—I have received and had under my consideration your dispatch No. 18 of the 1st of May last enclosing an application from Mr. J. H. Lange the District Clerk of Uitenhage, soliciting permission to retire from his Office upon a Pension of 800 Rixdollars per annum. I have likewise had under my consideration a similar application from the Fiscal praying to be allowed a Pension equal in amount to his full Salary.

Before I decide upon either of these applications, I am desirous of being informed whether there is any regulation of the Government of the Cape under which persons who have served in the Judicial and Executive Departments are entitled to retain Superannuation allowances ; as in the event of there being no such Regulation, I should hesitate to give my sanction, without deliberate enquiry, to either of those applications.

I am &c.

(Signed)      BATHURST.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 26 July 1826.

MY DEAR SIR,—With reference to the instruction which Lord Bathurst has conveyed to you upon the subject of the Reverend Mr. Ireland's application to be reinstated in his Military Chaplaincy, I beg leave to enclose to you an extract of a note which I have received from Lord Charles Somerset in recommendation of the Reverend Mr. Goodisson, the Gentleman who has recently been appointed to succeed Mr. Ireland, and I shall only now say that provided you, as Commander of the Forces, think proper to recommend to the Military Departments to replace Mr. Ireland on the Staff, I have very little doubt that Lord Bathurst will be disposed to confirm Mr. Goodisson's appointment to the Chaplaincy of Graham's Town. I remain &c.

(Signed)      R. W. HAY.

[Original.]

*Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.*

48 LOWER GROSVENOR STREET,  
LONDON, 26th July 1826.

SIR,—Earl Bathurst having had the goodness to afford me an opportunity of perusing a copy of his Despatch under date transmitting a Letter addressed to you by Mr. Harrison on the 22nd of February last, covering one addressed to the Lords Commissioners of His Majesty's Treasury by the Commissioners of Colonial Audit on the 14th of October last, relative to what are termed the Government Farms at the Cape of Good Hope, I take the liberty of saying, that as the assertions which this official communication to the Treasury contains, relative to the purpose for which the Government Farm at Groote Post has been established, affecting my honor and character, I trust Earl Bathurst will excuse me if I confine this Letter exclusively to the subject of that Farm.

The Commissioners, after discussing the Establishment of the "Somerset Farm" on the Frontier, observe "Respecting the other Farms, as they are termed, we have little or no information," and yet they proceed to state that "the Groote Post Farm is a domain *appropriated to the Governor's use*," and further on, in recommending the disposal of the Somerset and other Farms, they observe: "Should the Groote Post be excepted against as a Shooting place *hitherto supported for the Governor's recreation*, it is but justice that the expence should fall upon him and not become a permanent tax on the Colonial Treasury."

As the Commissioners in a part of their letter (to which I have already alluded) have acknowledged that they have little or no information on the subject of the Groote Post, and other Farms, and as they are men of high honor and character, I feel confident that they would not have hazarded an assertion so injurious to my Fame and at the same time so totally adverse to the real facts of the case, unless some information had been given them upon which they considered they could rely. I therefore, in order that the malice which prompted the information given to them may be traced to its true source, have to

entreat that His Lordship will do me the justice to require what the information was and from whence it was received that induced the Commissioners to make the assertions I have alluded to respecting the Groote Post Farm.

I will now proceed to state the purposes for which this Establishment was formed and the principles upon which it has been conducted.

The Batavian Government very wisely considered that in a Country adapted almost exclusively to the rearing of Cattle and to Agricultural purposes (except where it was capable of cultivating wine) it was of the first importance to introduce a better breed of Cattle and an improved system of Agriculture. With this view it established in the year 1804 an Agricultural Board, at the Head of which the late much lamented Mr. Ryneveld was placed. Upon his death and in the month of October 1812 (about 18 months previous to my arrival at the Cape) my Predecessor Lord Howden, fully impressed with the beneficial effects that would result from an Establishment of that nature, reorganized the Agricultural Board and appointed other Members in lieu of those whose avocations did not allow of their devoting their time to the objects of the Institution, taking upon himself the Presidentship thereof, as may be seen by the annexed copy of the Government Advertisement on the occasion.

I had not been long in the Administration of the Government before frequent representations were made of the necessity of advances of money, in order to support this Establishment. Altho' strongly impressed with the great utility such an Establishment would prove to the Colony, I considered that it might be conducted upon a scale that would enable it to defray its own expenses, whilst the improvement in the breed of Cattle and its example in the mode of farming, the establishing means for making and repairing Ploughs, Waggons, and farming implements of all species, would prove extremely beneficial to the Agriculturists of the Colony. On examining the accounts, I found that the Board had already contracted Debts to the amount of 28,000 Rixdollars. I therefore borrowed that Sum from the Orphan Chamber, paying 6 per cent Interest for it out of the proceeds of the Farm, to clear it of Debt, and on account of these and other circumstances to which it is not

necessary now to advert, abolished the Board, which exclusively of numerous Members (who tho' giving their Services gratuitously met periodically at the Expense of the Farm) had attached to it a Secretary, a Treasurer, &c. at considerable salaries. From that period no item of current expenditure relative to that Farm has with my knowledge been defrayed by the Colonial Treasury.

So economically has this Establishment been conducted that altho' it can at this moment boast a better state of *every species* of Cattle than any farm out of Europe, and which is every year increasing in beauty and value, the debt to the Orphan Chamber is now reduced as well as I can recollect to about 7000 Rixdollars. The improvement in the Stock of the Colony is not the only material benefit arising from this Establishment to the Country. In the whole extent of that large part of Land called Zwartland (where much grain is grown) and up to the Berg river and Saldanha Bay, as well as the whole of the Groene Kloof, there is no Mill but the one on this Farm, which is combined with a Thrashing Machine &c. so that the Inhabitants of the whole of that extensive Country would be compelled to send their Grain to Cape Town were this Farm abolished. The same with regard to the means of repairing Ploughs, Harrows, Waggons, and agricultural implements of all kinds, and the making them upon the European principle. At the Groote Post Farm, so much have I considered the convenience and circumstances of the Community, the charge for these works is merely the time of the workmen and the wood or iron used *at prime cost*; thus not only is the journey to Cape Town (which is 50 miles) saved to them, but the charges are at least 25 per cent less.

Although very great losses have been experienced in the Merino Flocks of the Farm, particularly in the tempestuous winter of 1822, constant distributions, gratis, have been made in all parts of the Colony of Merino Rams. During the last season 40 were sent to Graham's Town to be distributed gratis, amongst the Settlers, and previous to my departure I made an arrangement with the Overseer to supply henceforward 70 Merino Rams annually to the Albany and Somerset Districts gratis. The young Bulls are equally eagerly sought after from all parts of the Colony and an annual Sale is held in Cape

Town of the three year old Colts bred at the Farm. Buildings to a great extent to afford shelter to the Cattle in winter, Blacksmiths and Wheelwrights' shops have been erected out of the Funds of the Farm and everything wears a most favorable appearance to obtain the object of introducing an improved system of farming and better Stock. During the calamitous years of Rust, I used every endeavour to obtain a variety of species of Wheat in the hope of ascertaining that which was most likely to resist this direful malady ; 5 species from different parts of the Globe have been grown there in a Season.

From what I have had the honor to state Lord Bathurst will be enabled to judge of the justice of the assertion "that this Farm is a domain appropriated to the Governor's use," and with what candor or truth it is stated *unreservedly* "that it has hitherto been supported as a Shooting place for the Governor's recreation."

It is true I have kept a Keeper there to destroy the Vermin and preserve the Game, but I pay the Farm for everything that man eats, for every bone my dogs ever gnawed, and for every grain of Corn or Morsel of Hay that his Horse or any Horse of mine ever eat there, and I will be on my Oath that I never had the most insignificant Article that I did not pay for, even if I was only there for a few hours. I never had an egg or a cup of milk that was not scrupulously paid for. Upon all occasions when Gentlemen from India or others have been desirous to see the Farm, they have lived there at my expense exclusively, as will be seen by the annexed Certificate of my late Household Aide-de-Camp Captain Underwood. During the last 3 years my time has been so entirely occupied on business, that I have scarcely ever left home for 48 hours, except when my public duty called me to the Frontier, but whenever I have been able to visit the Farm for a few hours, I have had reason to approve most highly the conduct of the Overseer, and have learnt with satisfaction the numerous conveniences afforded the public by the mode in which the Farm is conducted.

I regret, Sir, to have detained you so long on this subject, but I trust I have attained my object in satisfactorily proving to Lord Bathurst how grossly misled the Commissioners of Audit have been, and I again earnestly solicit that His Lordship will ascertain from whence they received information which

could induce Men of their character and honor to cast such imputations on me in an official representation.

I am the more anxious on this point, as this is only one out of numberless instances where the most beneficial, the most considerate, the most disinterested acts of my Government have been with the most malignant intention, distorted, perverted, and misstated to my prejudice, when put before the public or represented to any of the Departments of His Majesty's Government. I have &c.

(Signed) CHARLES HENRY SOMERSET.

P.S. In annexure C I have given such Explanations as it is in my power to offer, relative to the items of Expenditure charged against this Farm.

[Enclosure 1 in the above.]

See Advertisement of 16th October 1812, Vol. IX.

[Enclosure 2 in the above.]

Expenses stated by the Commissioners of Colonial Audit to have been incurred on account of the Government at Groote Post.

1815.

A. Moller for Oxen . . . . .	Rds. 350
Van Reenen , , . . . . .	450
	—
	Rds. 800 or £60

REMARKS.

I have no means of ascertaining here for what particular service this purchase was made, but I think I could venture to say that it must have been for some general work and not for the cultivation of the Farm. I say this with more confidence, because upon occasions when it has been requisite to make advances to the Farm for the purchase of Oxen for the ploughing Season, or on any other account previous to the proceeds of its produce being received, I have invariably made such advances from my private Funds, rather than that the Farm should apply to Government for temporary advances.

## Items continued.

1818.

Gunn for Furniture . . . . .	Rds. 120 or £9
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## REMARKS.

This is evidently an Error and should have been defrayed by the Farm. I have already written to direct that the Overseer should pay this Sum over to the Treasury. The charge is for 12 Chairs made by the Hottentots of the Moravian Institution at Groene Kloof only 7 miles distant, from a desire to give them encouragement, and they do credit to the Manufacturers.

1819.

Durham for Threshing Machine . . . . .	Rds. 2,021 4 -
Leibbrandt for 30 Oxen . . . . .	1,200 - -
Chisholm for Threshing Machine . . . . .	3,277 1 4
	<hr/>
	Rds. 6,498 5 4

## REMARKS.

The whole of these charges were for erecting an immense piece of Machinery, containing a Threshing Machine, Mill, Winnowing Machine, &c. It appears that this very fine piece of Machinery was ordered in a Letter addressed to Mr. Willimot (the former Agent of the Cape Colony) on the 10th of September 1812, and was supplied by Mr. Rennie. It arrived in the Colony in the course of the year 1814 or early in 1815. It was of so much greater bulk than was expected, and the expense of erecting it was calculated at so high a price, that nothing was done with it. After the Farm for supplying the Troops on the Frontier had been established, efforts were made for causing it to be removed thither, but none of the Coasting Vessels were of sufficient size to convey it. It was then offered for Sale, but the highest offer was from the late Mr. Alexander of 3,000 Rds. Under these circumstances, regretting that such a costly piece of Machinery should not be rendered available and finding upon enquiry that if erected at Groote Post it could be rendered of considerable utility to the Inhabitants of that part of the Colony, I determined upon causing it to be removed and erected there, under the superintendance of Mr. Chisholm, the person sent out by Mr. Rennie to conduct works of another description furnished by Mr. Rennie, viz. the laying down the water pipes in Cape Town. I regretted to find that Mr. Chisholm grossly deceived me as well as himself in the expence incurred in doing so, having given in an Estimate that exclusive of the expense of Carriage and Materials, it would not exceed 2,000 Rds. It having been begun however, it was necessary to complete it, and I am happy to say that with various alterations which have been subsequently made at the expense of the Farm, now answers perfectly, and is most extensively useful to the neighbourhood.

1820.

Jordan and Co. for Threshing Machine . . .	Rds. 1,000*
Klerck advance on account of Expences . . .	3,012†
Rds. 4,012	

**REMARKS.**

\* This item is a part of the Expense alluded to in the last remark.

† This expense was incurred during my absence in England and I have no knowledge whatever of it, indeed I never heard of it until I saw it in the papers which accompany the letter from the Commissioners of Audit. Had I known of it and had it appeared that any part of it was an advance made for the current expences of the Farm, I should have directed it to be repaid to the Treasury in lieu of appropriating the surplus proceeds of the Farm to the liquidation of the Debt to the Orphan Chamber.

1822.

Oldham for Threshing Machine . . . . .	Rds. 1,000
Klerck, a Team of Mules . . . . .	1,300
Rds. 2,300	

**REMARKS.**

This (Item 1) was for a portable Threshing Machine belonging to an English Settler who described himself to be and really was in extreme distress. I authorized the purchase of it, which saved the vendor from ruin, and the Machine was used at the Farm until one ordered from Lees & Coltham arrived. It has since been disposed of for the same sum to a farmer, giving him time for the payment, and will be carried to the account of the Treasury when received.

The Mules were purchased of the Farm for Works carried on by the Department of the Inspector of Buildings, and the item is not an advance made to the Farm but a payment for Articles supplied.

1823.

Klerck for Grazing Cattle . . . . .	Rds. 533
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This item is for working Bullocks sent to graze on the Farm at 6 skillings or 1/1½ per mensem.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 3 in the above.]

I hereby declare that I held the situation of Household Aide-de-Camp to His Excellency Lord Charles Somerset at the Cape of Good Hope for six years till I left the Colony in 1820, during which time all Bills and Accounts connected with His Lordship's Establishment were examined and discharged by me. I further

17  
2 - in the Colony.

desire that you will be informed, that we supplied for the use of His Lordship, his Guests, Servants, or Cattle, by the Private Post Office, during the time it was paid, was paid for by me to the Government Agent, for the management of the properties of the Extra Miners, and also that the Supplies intended for consumption in the town were invariably charged to the highest market price in the Town.

Signed THE COLONEL.  
The Adj'tant Sec'y to Brig'g'd and Aide-de-Camp  
to His Excellency Lord Charles Somerset.

[Signature]

Letter from Major-General SUTHER & EARL BATHURST.

Government House, Port Royal 2nd July 1826.

MY LORD.—I have the honor to acknowledge the receipt of your Lordship's despatch No. 22 under date 22nd January last, addressed to Lord Charles Somerset, covering enclosures from the Lords Commissioners of His Majesty's Treasury relative to the defalcation in the Revenues of this Colony for the year 1813.

In pursuance of the instructions contained in that despatch I desired the Acting Auditor General to institute a full and particular investigation into all the circumstances connected with the transaction in question, and I have now the honor to forward that officer's Report on the occasion.

The Inquiry has failed to throw much additional light on this obscure subject, nor has it by fixing the whole blame of the transaction on one person or one Department clearly exculpated the rest, on the contrary not one of the offices thro' which the accounts passed appears to have been strictly regular, and the nullity of the Commission of Inspection is established beyond all doubt.

On receiving your Lordship's despatch I communicated with the Commissioners of Inquiry, who declined at that time going into any further examination of this fraud. They have however since taken it up and have entered as I understand into a very

minute investigation, the particulars of which I presume will be laid before your Lordship.

I have the satisfaction to add that the Public are not likely to suffer from this transaction, as the Estate of Mr. Bresler is in the hands of the Orphan Chamber and is more than sufficient to answer all demands against it; nor will much delay occur in making the payment into the Treasury; and I hope to be able to place the office of the Auditor General on so efficient a footing as in future to render the detection of similar frauds immediate and unavoidable. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure 1 in the above.]

COLONIAL OFFICE, 24th May 1826.

SIR,—I am directed by His Honor the Lieutenant Governor to transmit for your information a despatch which he has received from His Majesty's Secretary of State with its several enclosures from the Treasury and Office of Colonial Audit relative to the defalcation which was discovered last year to have taken place in the office of the Receiver General during the year 1813. And I have to desire that you will call upon such officers as you may deem necessary to explain to you how far such regulations were acted up to or neglected in the instance of the receipt and payment of the sum in question, putting down the questions and answers in writing; and that you will report to me the result of such inquiry, with any other information you can obtain on the subject of that extraordinary proceeding. I have &c.

(Signed) RICHARD PLASKET.

The Acting Auditor General.

[Enclosure 2 in the above.]

AUDIT OFFICE,  
CAPE OF GOOD HOPE, 10th June 1826.

SIR,—In obedience to the instructions contained in your letter of the 24th ultimo, I have the honor to submit herewith for the information of His Honor the Lieutenant Governor a

detail of my enquiry on the subject of the defalcation which took place in the Receiver General's office of a portion of Colonial Revenue of the year 1813. I have &c.

(Signed) Wm. HAYWARD,  
Acting Auditor General.

The Hon. Sir Richard Plasket,  
Secretary to Government.

[The details given are very lengthy, and as nothing was elicited beyond what has already appeared I do not think it necessary to copy them.—G. M. T.]

[Enclosure 3 in the above.]

COLONIAL OFFICE, 15th June 1826.

SIR,—I have submitted to the Lieutenant Governor your letter of the 10th instant, with the accompanying report on the subject of a defalcation which took place in the office of the Receiver General in the year 1813. The Lieutenant Governor desires me to say that your mode of examination is satisfactory as far as it goes, although no actual result has arisen therefrom.

He however deems it necessary with reference to that part of Mr. Crozier's replies which states that "the Receipt and his Day Book passed through several hands, viz. two Clerks and the Accountant," to instruct you to examine the said clerks and accountant, and he further deems it expedient that Mr. Crozier should be called upon to state where the receipt of Mr. Bresler was deposited, and whether or not it was attached to the public documents of the Bank in the way all other receipts are.

I have &c.

(Signed) RICHARD PLASKET.

The Acting Auditor General.

[Enclosure 4 in the above.]

AUDIT OFFICE, CAPE Town, 26th June 1826.

SIR,—In compliance with the Instructions contained in your letter of the 15th instant I have the honor to hand you herewith

note of my further inquiry into the case of the defalcation which took place in the office of the Receiver General in the year 1813. I have &c.

(Signed) W.M. HAYWARD,  
Acting Auditor General.

The Secretary to Government.

Mr. Crozier is requested to state where the receipt of Mr. Bresler was deposited at and from the time it first came into his hands, also whether or not it was attached to the public documents of the Bank in the way all other receipts are ?

Reply. It passed out of my hands immediately on my making the entry in my Cash Book into those of the clerks and accountant for their entry. It was then deposited among the other receipts in the iron chest under charge of the successive accountants, and I must presume it had lain there ever since, as it was there found when the business of the defalcation was first brought forward. I must now say that I believe that at the time it passed through my hands there was no document attached to it.

Who were the two clerks and the accountant through whose hands the receipt and your cash book passed as stated in a former answer ?

Answer. Mr. S. van Reenen, clerk, Mr. J. C. Gie, assistant accountant, Mr. J. V. Schonberg, principal accountant.

*Questions proposed to Mr. J. C. Gie.*

Understanding from Mr. Crozier that you held a situation in the Discount Bank in 1813–14, I request you to inform me what was the course pursued by you in the execution of your part of the duties of entries of the Bank transactions ?

Reply. I received the book called the Specie Book from the clerk who had made his entries therein from the vouchers, but I did not receive the vouchers themselves.

What did you do with the Specie Book ?

Reply. After making my entries from it I returned it to the clerk.

What book did you keep, and to what particular purpose was it applied ?

Reply. My Book comprised the receipts and payments of the deposit branch of the Bank, from which the balance sheets of individual accounts were daily formed.

As Mr. S. van Reenen is not just now immediately within reach, can you tell me what were his duties as clerk in the Discount Bank ?

Reply. I have myself filled the situation of the clerk and know that it was never then the practice to hand over to the assistant accountant any vouchers, but only the Specie Book ; but the clerk did hand the vouchers to the principal accountant. But I did not hand him any book of entries as assistant accountant.

*Questions proposed to Mr. J. V. Schonberg.*

Having been informed that you were principal accountant in the Discount Bank in the years 1813 to 1815, I request you will state to me what were your proceedings with regard to making your entries of the transactions of the Bank ?

Reply. As well as I now recollect I received the vouchers and the Specie Book, from which latter I made my entries into Receipt and Payment Book and into the Ledger.

What became of the vouchers ?

Reply. When a number had been received they were compared with the entries, then sorted, tied up, and put by either in the Iron Chest or in the Office Press.

As you furnished the account of profits of the Discount Bank, can you state positively whether that for the year 1813 was duly sent in for audit to the Colonial Secretary's office ?

Reply. That I cannot from the length of time that has elapsed. But it was so much a matter of course that I have no doubt it was sent in. I must repeat however that I will not say positively that it was.

When you made the entry of the payment of the profits of 1813 do you recollect to have seen or did you consider it your duty to see that the qualification to pay was annexed to the receipt to render it a complete document ?

Reply. I do not now recollect whether I saw it or not. With regard to the latter part of the question, I considered Mr. Bresler's receipt as a sufficient voucher. I have known it to occur that payments have been made before the qualification

was issued in order not to delay business, or from some cause of delay in the Secretary's office, and the qualification was received some days afterwards. At all events I believe that no payments were ever made without some authority or an instruction from the Directors.

*Questions proposed to Mr. S. van Reenen, seen on a day subsequent to the above.*

I understand that you were clerk in the Discount Bank about the years 1813 to 1815 ?

Reply. I held that situation at the time.

I beg to call your attention to what Mr. Gie has said in answer to my inquiry on the duties of the clerk in the Discount Bank, and reading to you his answer thereon I request to be informed if by you the practice was as he states it to have been ?

Reply. As far as I now recollect I can confirm what Mr. Gie has said with respect to the practice of the entries made by the clerk. I received the cash book and vouchers from the cashier, made my entries, then delivered my specie book to the assistant accountant.

When you received back your specie book from the assistant accountant, what did you further do with that and with the vouchers ?

Reply. When I received back my book I handed both that and the vouchers to the principal accountant, who after making his entries returned me my specie book.

(Signed) Wm. HAYWARD,  
Acting Auditor General.

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[Copy.]

*Government Minute.*

His Honor the Lieutenant-Governor is pleased to direct, that from and after the Date hereof, all Vessels trading under the Order in Council of 12th July 1820, or under such Orders as may hereafter be issued by competent Authority for regulating

the Trade with this Colony and its Dependencies, shall be permitted to enter into, and clear out from, the Ports ELIZABETH and FRANCES, on the Eastern Coast of this Colony, and to land thereat, or embark therefrom, all Goods, Wares, or Merchandize, which may be legally imported into, or exported from, this Colony—on payment of the established Dues thereon to the Officers of Customs stationed at the aforesaid Ports.

Cape of Good Hope, 26th July, 1826.

By Command of His Honor the Lieutenant-Governor,

(Signed) R. PLASKET, Secretary to Government.

[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 27 July 1826.

SIR,—I have had under my consideration the proposal which was transmitted to me some time since by Lord Charles Somerset for building Jetties at Cape and Simon's Towns ; and it is with much regret that I have now to acquaint you that I feel it impossible to sanction those proposals, as Mr. Reveley, the Civil Engineer, has estimated that the aggregate expence of those works would amount to not less than £32,000.

As Mr. Reveley will embark for the Colony in the course of a few days, you will soon have an opportunity of learning from him the grounds upon which his estimate is founded ; and I can only now acquaint you generally that if after due reconsideration of the whole subject, you should be of opinion, that the Works are indispensably necessary, the Colony must endeavour to find the means of defraying their expence.

I am &c.

(Signed) BATHURST.

[Original.]

*Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.*

48 LOWER GROSVENOR STREET,  
LONDON, 27th July 1826.

SIR,—I have the honor to transmit to you, with the view that you may be pleased to submit it to the favorable consideration of Earl Bathurst, a Copy of a Letter from Mr. Austen, (a person who has been some time at the Cape of Good Hope and who obtained a Grant of Land in the new Settlement in the Albany District in 1820 or 1821) enclosing Six Ears of three different Species of Wheat which for four Successive Years, he states, has resisted the Rust, and suggesting the expediency of importing 50 Sacks of each kind into the Colony as Seed Wheat.

I have not thought it important to obtrude this Application of Mr. Austen's upon Lord Bathurst at an earlier period, as of course it must be from the produce of the present harvest that the Grain required is to be obtained. I have &c.

(Signed) CHARLES HENRY SOMERSET.

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[Original.]

*Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.*

48 LOWER GROSVENOR STREET,  
LONDON, 27th July 1826.

SIR,—Having referred to the Cape of Good Hope Trade Committee your Letter of the 17th instant, in which you request me to explain the Sense which Earl Bathurst may understand the Merchants and Inhabitants at the Cape attach to their prayer for the benefit of a free Port, I have now the honor to transmit to you for His Lordship's information the Reply I have received from the Chairman of that Committee which fully explains the views of the Memorialists in making the application above referred to. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

COMMITTEE ROOM, 25 ROOD LANE,

24th July 1826.

MY LORD,—In reply to your Lordship's note of the 22nd inst., which I had the honour to receive this morning, I beg respectfully to communicate to your Lordship the opinion which the Cape of Good Hope Trade Committee have long since entertained upon the subject to which your Lordship has been good enough to call their attention.

In the early part of 1825 the Committee of the Cape Trade, after an arduous struggle to obtain from His Majesty's Government a more favourable rate of duty on Cape Wines, and which your Lordship knows was anything but favourable in its result, turned its attention to the opening of such other sources of Commerce as might tend to alleviate in some degree the distress which could not but be consequent upon the unlooked for situation in which its staple produce was placed.

The Committee viewing the geographical position of the Cape as eminently fitted for becoming an Entrepot for European, Indian, and China Merchandise, and particularly Tea, urged upon the Board of Trade the making the Cape a "Free Port" in the largest sense of the word, and their wishes may be summed up under the following heads :—

That British Vessels may import from the British Territories or from any State in friendship with Great Britain any Goods, Wares, and Merchandise whatever into the Cape without payment of Duty on the first landing thereof, subject to the same restrictions as are contained in the Act of 6th Geo. 4th, Ch. 114, Sections 35 and 42 inclusive.

That Foreign Ships may import the produce of *their own State* of every description, subject to the same rules and regulations.

That British Ships may export from the Cape to any place any produce of that Colony or any produce or merchandise whatsoever which may have been legally imported into it, free of all duties upon Export, and that a Drawback upon Cape Wine may be granted equal to the Colonial duties and Customs imposed upon it in the course of its manufacture ; about £1 Sterling per pipe might be deemed sufficient.

That Foreign Ships may export to their own State any Colonial produce or any goods or merchandize which had been legally imported, upon the same terms.

That all such Regulations as to Commerce as are usually in other Colonies subject to the regulation of Acts of Parliament should in respect to the Cape be subject only to Orders in Council.

That Mauritius Sugar and other produce bonded and reshipped at the Cape shall be subject to the same regulations in England as if imported direct from the place of Growth.

These are the chief points to which upon this subject the Committee have directed their attention, and they are perfectly in unison with the wishes of the Commercial Community at the Cape, as we know from our correspondence with the Commercial Exchange Committee, and I think I may venture to state they are so with those of the respectable Gentlemen who have memorialized your Lordship on the subject, and we shall esteem ourselves most fortunate should they meet with your Lordship's concurrence. Should it be otherwise, we shall be most happy to attend to any suggestions in this matter which your Lordship may be pleased to honour us with.

To our applications we have received every encouragement which His Majesty's Government could give us consistently with the rights of the East India Company; and the Colonial Agent, T. P. Courtenay, Esqre, from whom the Committee have at all times received the most zealous coöperation and assistance, is at this time engaged in discussing with the Board of Trade the necessary details for carrying into effect by Order in Council such measures as may place the Trade of the Cape on the best footing, subject to the approbation of the Colonial Department and of your Lordship, for whose arrival the discussion of them was postponed.

On this subject Mr. Courtenay addressed a letter to your Lordship through the Colonial office before your arrival in ~~the~~ supposed a copy of it would have come notice, I would, on behalf of the Trade, to solicit your Lordship's countenance ~~to~~ to the Colony in the present crippled

is likewise one of the Members of our

Committee having requested me to accompany him to your Lordship on the subject of the Memorial from Mr. Ebden and the other Gentlemen, we purpose paying our respects to your Lordship tomorrow morning, and either then or at any time when it may be convenient to your Lordship to receive us, I would with your permission lay before you some other subjects of interest to the Trade of the Colony which the Committee have much at heart.

Mr. Geo. Thompson who was a Member of the Exchange Committee at the Cape at the time of his leaving will also have the honour of accompanying us. I have &c.

(Signed) ABRAHAM BORRADAILE,  
Chairman of the Cape of Good Hope Trade Committee.

To the Right Honourable Lord Charles Somerset.

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*Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.*

48 LOWER GROSVENOR STREET,  
LONDON, 27th July 1826.

SIR,—I have the honor to transmit to you a Letter I have received from Abraham Borradaile Esq., the Chairman of the Cape of Good Hope Trade Committee, covering one from Mr. Lack relative to the legality of exporting Tea from the United Kingdom to the Cape of Good Hope.

Although I have no hesitation in replying to Mr. Borradaile's Letter, that there is no local regulation as far as the Colonial Government is concerned which prevents the admission of Tea from this Country, yet as the Measure is a novel one, it may perhaps be at variance with the existing Instructions from the Court of Directors to their Agent at the Cape. I deem it better therefore previous to replying to the Chairman's letter to submit for Lord Bathurst's consideration the expediency of ascertaining from the Court of Directors that the measure will not be opposed by their Agent on the Spot. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

COMMITTEE ROOM, 25 ROOD LANE, 26th July 1826.

MY LORD,—An erroneous Conception of the Law having for some time induced the Boards of Customs and Excise to withhold their Consent to permitting Tea to be exported from England to the Cape, the Committee of the Cape Trade found it necessary to represent the Subject to the Committee of the Privy Council for Trade, the favourable Result of which, after Correspondence with those Boards, has been a Communication to the Cape Trade Committee in the enclosed Letter. I have therefore very respectfully to request of your Lordship the Information whether any Local Regulations of the Government at the Cape prevent the admission of Tea imported from England for Consumption there. I have &c.

(Signed) ABRAHAM BORRADAILE,  
Chairman of the Cape of Good Hope Trade Committee.

Lord Charles Somerset.

[Enclosure 2 in the above.]

OFFICE OF COMMITTEE OF PRIVY COUNCIL FOR TRADE,  
20 July 1826.

SIR,—The Lords of the Committee of Privy Council for Trade having had under their consideration your Application on the subject of exporting Tea from this Kingdom to the Cape of Good Hope, to be there entered for Consumption, and their Lordships having taken the Opinion of the Commissioners of Customs and Excise thereon, I am directed to acquaint you that the former Board have stated that they see no legal Objection to the Exportation of Tea from the United Kingdom to the Cape of Good Hope, and that the Board of Excise have expressed a similar Opinion ; but that, whether such Tea can be admitted there for Consumption is a point which must in their Opinion depend on the local Regulations established at that Place. I am &c.

(Signed) THOMAS LACK.

A. Borradaile, Esqre.

[Original.]

*Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.*

48 GROSVENOR STREET, LONDON, 27th July 1826.

SIR,—Referring to the communications I have had the honor at different times to make to Lord Bathurst relative to the great deficiency of labourers at the Cape of Good Hope, and to the measures which in my Despatch 30th July 1825, No. 210, I had adopted towards the natives of the Interior of Africa who had straggled into the Colony under the denomination of Mantatees, Goes, &c. from circumstances of the greatest distress and want, I take the liberty of again soliciting His Lordship's attention to the evils that are felt from the great scarcity of labourers, and to recommend that such individuals of these Tribes as are not disqualified from age or infirmity should be invited into the Colony with the understanding that they are to be apprenticed for a term of years (7 or 10) and children until they attain the age of 18, the same as the Hottentots.

As however it must be evident that the introduction of free labourers into a Colony where the labouring class has hitherto chiefly consisted of Slaves, will ultimately necessitate a provision for those who may become incapable of gaining their livelihood, it is worthy of consideration in what manner such provision can be made. I would therefore take the liberty of suggesting that exclusive of the conditions contained in the Indentures under which Prize Negroes are apprenticed, (copies of which were transmitted in my dispatch to Earl Bathurst, under date 30th July 1825, No. 210,) those to whom they are bound should pay as follows :—

For every adult, during the first year of his or her apprenticeship 1s. 6d. per mensem.

For every year of apprenticeship, after the expiration of the first year, 3s. per mensem.

For every child of 10 years old and under 12 years 1s. 6d. per mensem.

For every child of 12 years and upwards, 3s. per mensem.

Calculating that 3s. per mensem are paid upon 2000 apprentices, an annual sum of £3600 sterling would be raised to form a fund for the future provision of these apprentices, and as it

is not to be expected that any great calls would be made upon the Fund during the first ten years, it is fair to calculate that a very considerable Capital might be formed for the future provision of the aged and infirm of the persons thus invited into the Colony.

I would recommend that the Orphan Chamber should be made Trustees of this Fund, with directions to add the Interest to the Capital as it should be received.

I have no hesitation in saying that an act of greater humanity could not be exercised than thus receiving these unfortunate Beings into the Colony. I have &c.

(Signed) CHARLES HENRY SOMERSET.

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[Copy.]

*Order in Council.*

At the Court at St. James's, the 27th July, 1826.

Present, the King's Most Excellent Majesty in Council.

Whereas by an Act, passed in the sixth year of the reign of His present Majesty, intituled, "An Act to regulate the trade of the British possessions abroad," after reciting that "by the Law of Navigation foreign ships are permitted to import into any of the British possessions abroad, from the countries to which they belong, goods the produce of those countries, and to export goods from such possessions to be carried to any foreign country whatever," and that "it is expedient that such permission should be subject to certain conditions," it is enacted, "that the privileges thereby granted to foreign ships shall be limited to the ships of those countries which, having colonial possessions, shall grant the like privileges of trading with those possessions to British ships; or which, not having colonial possessions, shall place the commerce and navigation of this country, and of its possessions abroad, upon the footing of the most favoured nation, unless His Majesty by His Order in Council shall, in any case, deem it expedient to grant the whole or any of such privileges to the ships of any foreign country, although the conditions aforesaid shall not in all

respects be fulfilled by such foreign country : " and whereas, the conditions mentioned and referred to in the said Act of Parliament, have not in all respects been fulfilled by the Government of the United States of America, and therefore the privileges so granted as aforesaid by the Law of Navigation to foreign ships, cannot lawfully be exercised or enjoyed by the ships of the United States aforesaid, unless His Majesty, by His Order in Council, shall grant the whole or any of such privileges to the ships of the United States aforesaid : and whereas, His Majesty doth deem it expedient to grant to the ships of the said United States such of the said privileges as are herein-after mentioned ; His Majesty doth therefore, with the advice of His Privy Council, and in pursuance and exercise of the powers and authorities in him vested by the said Act of Parliament, declare and grant that it is and shall be lawful for the ships of the United States aforesaid to import into any of the British possessions abroad, from the said United States, goods the produce of the United States aforesaid, and not enumerated in the table of prohibitions and restrictions in the said Act contained, and to export goods from such British possessions abroad to be carried to any foreign country whatever, provided always, that such goods so imported shall be subject and liable to the payment of the duties imposed and made payable under and by virtue of the said Act of Parliament ; provided also, and His Majesty doth further, with the advice aforesaid, declare that the privileges so granted as aforesaid to the ships of the said United States, so far as respects the British possessions in the West Indies, and on the Continent of South America, and so far as respects the Bahama Islands, and the Bermuda or Somer Islands, and so far as respects His Majesty's settlements in the island of Newfoundland, and the several islands belonging to and dependent on those settlements, shall absolutely cease and determine upon and from the first day of December, which will be in this present year one thousand eight hundred and twenty-six ; provided also, and His Majesty doth further, with the advice aforesaid, declare, that the privileges so granted as aforesaid to the ships of the said United States, so far as respects the British possessions on the Western Coast of Africa, shall absolutely cease and determine upon and from the said first day of December one thousand eight hundred

and twenty-six : provided also, and His Majesty, with the advice aforesaid, doth further declare, that the privileges so granted as aforesaid to the ships of the said United States, so far as respects the colony of the Cape of Good Hope, and the islands, settlements, and territories belonging thereto, and dependent thereupon, and so far as respects the island of Ceylon, and the several islands and territories belonging thereto, and dependent thereupon, shall absolutely cease and determine, upon and from the first day of March, which will be in the year one thousand eight hundred and twenty-seven.

(The remainder of this Order in Council refers to other British possessions, and is therefore not given here.—G. M. T.)

And the Right Honorable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions herein accordingly.

(Signed)      C. C. GREVILLE.

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[Original.]

*Letter from LORD CHARLES SOMERSET to R. W. HAY, Esqre.*

48 LOWER GROSVENOR STREET,  
LONDON, 28<sup>th</sup> July 1826.

SIR,—I have the honor to transmit to you a Letter with Enclosures, which I beg you will submit to Earl Bathurst, from Mr. Campbell, the Brother of Captain Campbell, one of the principal and most respectable of the Settlers who emigrated in 1820 to the Cape of Good Hope.

How far it may be competent for the Lords Commissioners of the Admiralty to comply with Captain Campbell's request I will not presume to say ; but if any deviation from a general Rule can be allowed it would appear that Captain Campbell's claims may be justly urged. The Memorial presented by him in 1815 relates his Services, and Lord Bathurst is, I believe, fully aware that it is the Heads of Parties who emigrated to the Cape, who have alone had to struggle with difficulties, and not the lower Classes, as has been erroneously imagined by those who were without local information. These difficulties, which have wasted the Capital of most, have arisen from various

Causes: a succession of destructive Blight in the Crops, a violent and devastating Tempest, and the exorbitant price of labor rendering it difficult for any Head of a Party to retain the Labourers he engaged in England. Under these circumstances an addition of Capital has become of the utmost importance, and Lord Bathurst may therefore from a consideration of what I have had the honor to state above and of Captain Campbell's arduous Services and loss of Health in his profession, be induced to recommend his Suit to the favorable consideration of the Lords Commissioners of the Admiralty.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

ROYAL MARINE BARRACKS,  
WOOLWICH, July 27th 1826.

MY LORD,—Impressed with the conviction that your Lordship will not be indifferent to the interests of an individual however humble, who having emigrated to the Colony under your Lordship's Government, has endeavoured by his unwearied exertions, amidst many difficulties, to benefit himself and by his steady example to encourage others to avail themselves of the resources which have been placed at their disposal, I venture respectfully to solicit your Lordship's support of an application which on behalf of my Brother, Captain Duncan Campbell of the Royal Marines, I am most anxious to bring under the favorable consideration of the Lords Commissioners of the Admiralty, and the object of which I have more particularly explained in the accompanying note.

How far my Brother's services may merit their Lordships' favorable notice upon this occasion, it must of course rest with their Lordships to decide. But I would hope that those services as set forth in the accompanying Memorial of an old date, will show your Lordship that I am not soliciting your attention to an unworthy object, and if it should appear to your Lordship that Captain Campbell's general deportment as a settler has given him any claim to your Lordship's indulgent notice as Governor of the Colony, and that a compliance with

his application would furnish him with the means, the want of which is so much felt among the settlers generally, to improve his condition, I humbly trust that your Lordship may feel yourself induced to support that application, upon the success of which I may not conceal from your Lordship that several of my Orphan Sisters, the daughters of a faithful old Officer of His Majesty, rest their sole and anxious hope of future comfort and respectability, as they placed at Captain Campbell's disposal the whole of their pecuniary resources, which were, I regret to say, nearly exhausted before he arrived at Graham's Town in consequence of his having been allotted land in the district of Zwellendam which was afterwards found to be totally unfit for agricultural purposes.

I have presumed to state this circumstance to your Lordship to shew that he laboured under a peculiar disadvantage on his landing, which as you, my Lord, were absent from the Colony at the time, may never have been brought under your Lordship's notice. I have &c.

(Signed) JOHN CAMPBELL.

The Right Honorable Lord Charles Somerset.

[Annexure.]

Note. When permission was granted to Officers on the half pay of the Army to sell their Commissions, Captain Duncan Campbell applied to the Lords Commissioners of the Admiralty to be allowed to dispose of his; but as the regulation did not extend to officers on the half pay of the Royal Marines, his request could not be complied with. Since then however His Majesty has been graciously pleased to allow officers holding Brevet rank to dispose of their Commissions, and this indulgence having been extended to the Brevet officers of the Marine Corps, and their Lordships having directed that some of the Captains on half pay should be called in to fill up the vacancies of those who may sell, Captain Campbell, who on being called in, would be entitled to the Rank of Brevet Major, is desirous of being included in the number with a view to disposing of his commission agreeably to the regulations alluded to.

It is necessary at the same time to state that their Lordships do not wish to call in an officer whose standing in the service

would on joining entitle him to Brevet rank ; yet although he might ground a claim to more peculiar protection on 26 years of honorable and approved services, as the accompanying memorial will shew, he would more particularly solicit this indulgence in consequence of his situation as a Colonist, whose unremitting zeal and perseverance he humbly trusts may have in some degree benefited the Infant Colony of which he is a member.

The accompanying Memorial was presented unsuccessfully to their Lordships in 1815. Captain Campbell continued to serve till 1820, when he obtained permission to retire on half-pay.

[Enclosure 2 in the above.]

*Copy of a Memorial which Captain Campbell presented to the Lords Commissioners of the Admiralty in 1815 :—*

That Memorialist has served His Majesty twenty one years, nineteen years in the Marines, and two years previously as a Lieutenant in the Bredalbane Fencible Infantry.

He embarked in 1797 in his Majesty's Ship *Phaeton* where he served Six years, three in the Bay of Biscay, and three in the Mediterranean. During the former period he was employed in boarding and cutting out the enemy's Vessels on the coast, and was likewise engaged with the French Frigate *Charante*. During the latter period he was employed on similar services, and particularly noticed in the year 1800 for his conduct in the capture of a Spanish National Ship (afterwards the *Calpe*) upon which occasion he received three Sabre wounds. This desperate little service was performed under the Guns of Fort Fanguarl, near Malaga, and for which his companion Lieutenant Beaufort was promoted, your Memorialist receiving no other reward than the honorable tribute paid him in the *Gazette* of this Capture by Sir J. N. Morris the Officer commanding the *Phaeton*.

In the year 1800 the *Phaeton* was selected by Lord Keith to co-operate with the division of the Austrian Army under General Elsnack in pursuit of the French Army from Genoa to the River Var, where they made a stand for some weeks. During the whole of this time your memorialist was employed in the most harassing duties, both in boats and on shore,

without one night in bed, and from the severe effects of which his constitution has never recovered. Since this time Memorialist has been constantly on active service in the following Ships, *Isis*, *Inconstant*, *Triumph*, and *Venerable*. From the latter Ship he was appointed in the year 1812 to the Command of the 2nd Company in the 1st Battalion of Marines, then going to the North Coast of Spain, under Sir Home Popham, and he would beg to refer to that distinguished officer for his approbation of Memorialist's conduct upon that important critical Service, as well during the attack and Capture of Lequito, Port Gallette, Santander, and Bilboa, as during the investment of Santona.

Memorialist afterwards accompanied the first Battalion on the expedition to the Chesapeake, and shared in the services performed by Sir George Cockburn and Sir Sidney Beckwith in the Capture of Hampton, Kent Island, St. Ann's, Point Look out, &c. From the Chesapeake Memorialist proceeded to Halifax, where his Company embarked for Quebec, but was shipwrecked in the River St. Lawrence before it reached that Port. Here he would intreat their Lordships' attention to an event which, had he not had before to deplore an impaired constitution, was deemed sufficient to destroy the most robust. From the ignorance of the Pilot the Vessel Struck on a Reef of Rocks, where she remained during a boisterous night, the Sea washing over her while she was making so much water that, although every person on board laboured incessantly at the Pumps and baling with buckets, she was nearly filled to the hatches by day break, when as a last effort sail was made on her, and she was beat over the Rocks a considerable way towards the shore. One of the Men then having swam to the Beach with a Rope, Memorialist and his Company were by the Assistance of a few natives dragged to the land, and in that state they marched to Quebec, from which, in consequence of the extreme urgency of the Service, Montreal being threatened by General Wilkinson, they were immediately ordered to proceed by forced Marches. In this situation and in the rainy season of the year, it was six days before he had an opportunity of changing his wet clothes, or getting an article to change them with, having lost all his baggage on board the Vessel, and this relief was procured by one halting day in a march of nearly two hundred

miles. The fatigue and hardships attending the Shipwreck caused ten men to be sent to the hospital at Quebec, and the consequent severity of the March in their wet and destitute State knocked up a greater number on the road, many of whom were invalidated. General Wilkinson having retreated, the Battalion was ordered to its station at the Isle Aux Noix where it had scarcely arrived when the constitution of Memorialist sank under the hardships he has endeavoured to detail. He was attacked by a complication of diseases which were greatly aggravated by the Swampy nature of the ground round Isle Aux Noix. He was confined to his room for Six Months, when finding that all his complaints terminated in Rheumatic Gout, he was invalidated home.

It being the opinion of the Medical Men whom your Memorialist has consulted, that he can have no hopes of a cure, he throws himself upon your Lordships' liberality, and solicits to be placed on the retired list of Officers disabled on Active Service.

CHATHAM, September 15th, 1815.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to MAJOR GENERAL BOURKE.*

DOWNING STREET, 28 July 1826.

SIR,—The bearer of this letter is Mr. H. W. Reveley who has been appointed Civil Engineer at the Cape of Good Hope; and I am desired by Earl Bathurst to recommend him to your notice and protection. I have &c.

(Signed)      R. W. HAY.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to MR. WILLIAM BEDDEY.*

DOWNING STREET, LONDON, 28 July 1826.

SIR,—I have received the directions of Earl Bathurst to acquaint you that his Lordship has had an opportunity of

communicating with the Governor of the Cape of Good Hope upon the subject which you had brought under his Lordship's consideration in your letter of the 15th of April last.

It appears from that letter that your son engaged in the month of August 1823 to proceed to the Cape as Tutor to the family of a Gentleman and that he arrived in the Colony at the end of that year. After having resided there for some time, your Son applied to the Governor for permission to open a school, and this permission having been granted to him, his undertaking was so far successful that in March 1825 he had 32 pupils, and that in the month of December following their number had not decreased.

It is evident, therefore, that your son cannot justly complain of Want of Success, and his Lordship has been assured that neither can he complain of any want of countenance on the part of the Colonial Government.

Under these circumstances, his Lordship is of opinion that the application which you have made on behalf of your Son was at least unnecessary ; but as you seem to imagine that the accidental circumstance of your son's presence at the Cape should have had weight with His Majesty's Government in the arrangements which it was judged proper to adopt for imparting the benefits of classical education to the youth of that Colony, it is necessary to apprise you that those arrangements had been contemplated long before your son arrived there ; that in reforming the School Establishment which formerly existed in the Colony under the Rector Gymnasius, no additional establishment has been formed ; and the Revd. Mr. Judge, to whom the direction of that School has been entrusted, had been selected for this employment at an early period of the year 1824, when according to your own Statement your son was acting in the capacity of a private Tutor. I am &c.

(Signed)      R. W. HAY.

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[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, July 29th 1826.

MY LORD,—It having appeared to me that there was a considerable tract of Government Land at Wynberg and in its vicinity which might be made productive to the Colonial Treasury by letting it on building lots or selling it by auction, I desired a survey should be taken of it, and a report of its probable value made to me, which I now forward for your Lordship's inspection with reference to what I shall have the honor to submit on this subject.

Wynberg was formerly I believe used as an encamping ground for Troops, it was afterwards granted or sold, and then purchased again by the Colonial Government; since which part of it has been again granted away to Individuals. Whilst it was used as an encampment several of the Staff Officers built huts for themselves and some were formed for the Troops which were subsequently repaired and enlarged by the Barrack Department and have lately been transferred to the Ordnance as taking the Barrack duties. The Deputy Adjutant and Deputy Quarter Master General and an Officer of Engineers now occupy the principal of these Buildings. There are besides a ruined store, house, and hospital, and five or six miserable huts for Troops in so desperate a state as to have been abandoned, and an estimate for a Barrack for thirty men to be built on Wynberg Hill has been approved of, but the work not yet commenced.

I have not been able to see any probable advantage in building a Barrack or stationing a detachment at this place, nor in keeping up Houses for Staff Officers at so great a distance from Head Quarters. The Troops are much broken up by necessary duties elsewhere, and the offices of the Deputy Adjutant General and Deputy Quarter Master General are in Cape Town. The military position which the Hill of Wynberg is thought to afford will not be rendered less tenable by having Houses and Gardens placed upon it, and there is and probably always will be an extensive site in the neighbourhood for encamping or hutting upon during War if it should be thought advisable to place Troops near the position. I may however be permitted

to hazard an opinion that Wynberg Hill affords no position for permanent occupation.

As therefore there is no military object in keeping this ground in the hands of the Colonial Government, I would propose to your Lordship to direct its being sold in small lots for building. From the beauty of its situation, its proximity to Cape Town and Simon's Town and other favourable circumstances it is likely to sell at a high rate. I would propose to put a small quit rent on each lot and sell it subject to such rent to the highest bidder. According to the annexed Report the land is valued at £1,347 10s. only, but I have reason to believe that if properly managed it would produce a much larger sum. The Buildings which have been transferred to the Ordnance from the late Barrack Department are valued at £1,369. I would propose that the Colonial Government should purchase these from the Ordnance at this price or at another valuation to be made by persons appointed by both parties. The Land and Houses must be sold together or neither will bring its value. I would further propose to set apart sites for a Church and for Houses for two Clergymen (English and Dutch) with an acre of garden ground attached to each. There is at present a Hut used as an English Church in which a Clergyman of the London Missionary Society officiates.

In a few years a very beautiful Village would be raised on this spot, which remains now in great measure uncultivated from what I conceive to be a mistaken view of its importance as a military station. At present it is certainly both inconvenient and expensive as separating the Staff from Head Quarters, requiring a detachment to guard a dépôt for their rations and forage and to occupy the old huts, and imposing an annual expense for repairs. These amounted in the year 1825 to £56 6s. 3d. The buildings being chiefly condemned, but little was expended on them. The new Barracks are estimated at £464 10s. 9d. The Commissariat Establishment costs annually £118 6s. 0d.

Connected with the occupation of Wynberg by the Military Staff is the expense of the telegraphic communication from Cape Town passing through Wynberg to Simon's Town. The power of announcing in this expeditious manner the arrival of Ships in one of these ports to the other does not appear in

time of peace to be very important. The distance is little more than twenty miles and there is at present a post three times a week. I have never had occasion to use this communication but to call in a Staff officer to Head Quarters.

The total charge on the Commissariat and Ordnance for signal men and stations amounted in the year 1825 to £358 8s. 9d. It would be desirable for the information of the Commodore at Simon's Town and the Commercial Body here to keep up the Stations from which is announced the appearance of Ships in the offing standing into either Table or Simon's Bay. The reduction of the other Stations would effect a saving of not less than £250 per annum.

If your Lordship should approve of the Land at Wynberg being disposed of for the purposes and in the way I have described, it will be necessary to obtain an order from His Grace the Master General and Board of Ordnance to the respective officers here to dispose of the Buildings.

I have &c.

(Signed) RICHD. BOURKE.

[The annexures to this despatch are of no value whatever now, so I have not copied them.—G. M. T.]

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to MR. JAMES THOMAS ERITH.*

DOWNING STREET, 29 July 1826.

SIR,—I have received Earl Bathurst's directions to acknowledge the receipt of your Memorial of the 24th instant, and to acquaint you in reply that, having entered fully into all the charges which you have brought against the Colonial Government, his Lordship does not think it necessary to repeat what has already been stated in refutation of them, and that as the substance of all the replies from the Colonial Government have already been communicated to you, his Lordship does not think proper to accede to your request in regard to the furnishing you with copies of them. Your obedient Servant,

(Signed) R. W. HAY.

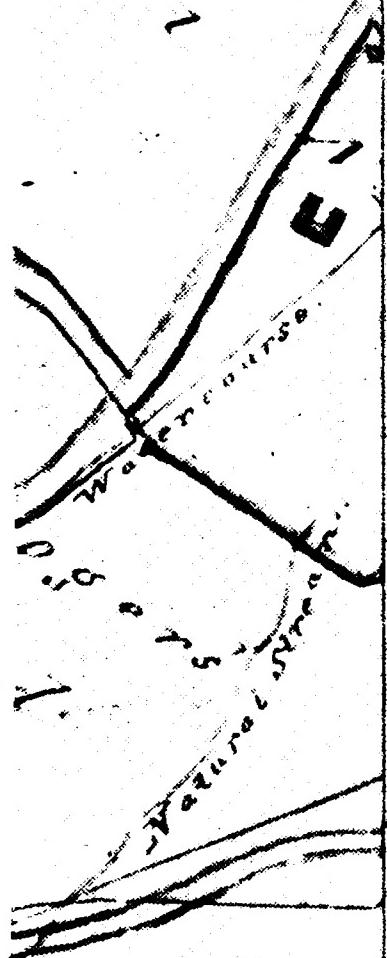
Plan 2

267 Gt. S.

Received  
Oct. 23 1826.

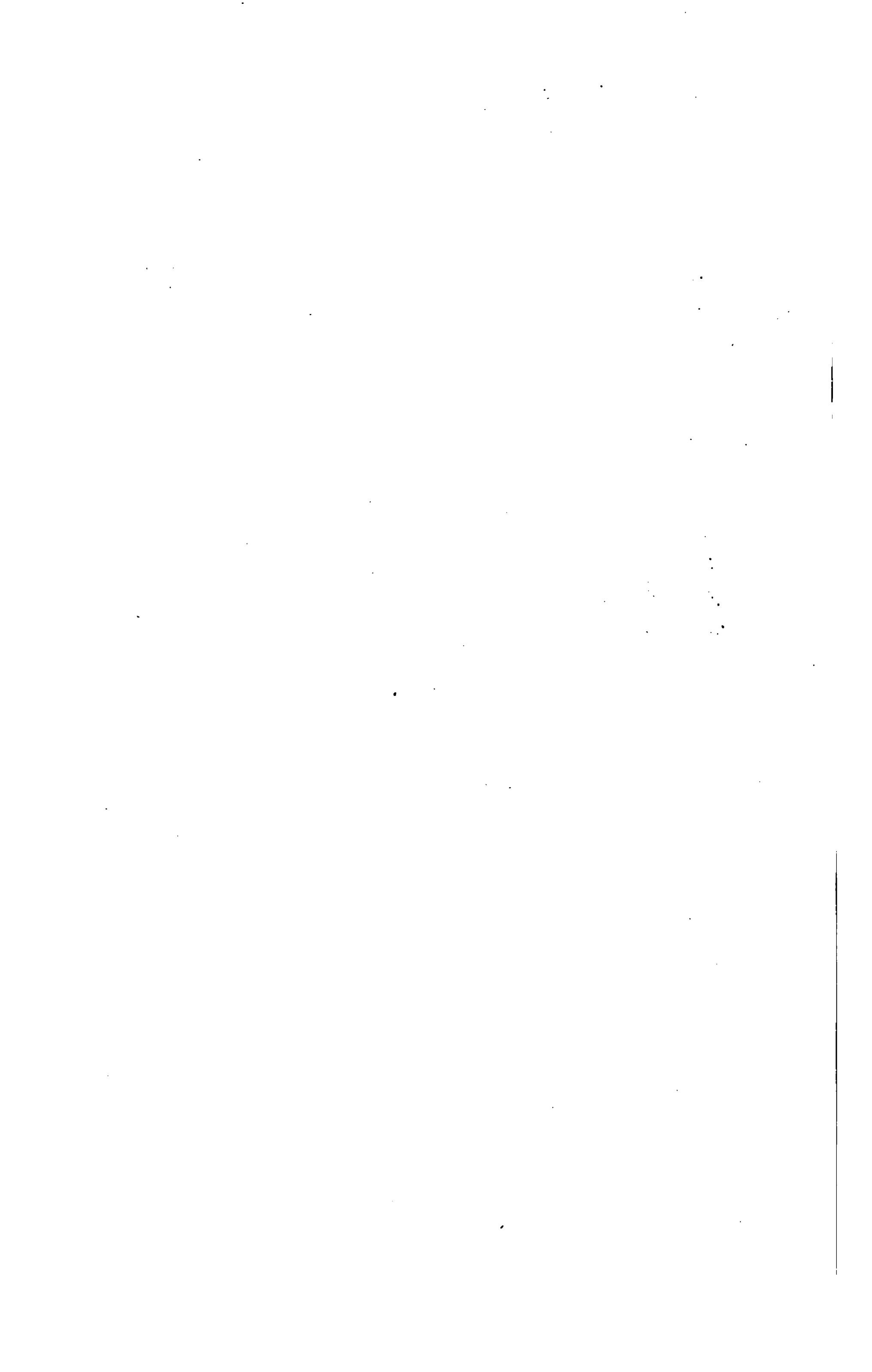
Plan  
of  
Government Lands at Wyn-  
berg divided into Lots, as  
explanined by Report  
dated 30<sup>th</sup> June 1826.  
divided by me

Wm Clegg  
Surveyor to Government



to Government  
as in the former Plan.  
In pursuance of the  
Ordinance  
Enacted  
at Cirencester, 1826.

UNIV.  
OF  
MICH.



[Original.]

*Letter from MR. HENRY W. REVELEY to R. W. HAY, ESQRE.*

LONDON, July 29th 1826.

SIR,—Having perused with attention the papers put into my hands by Mr. Smith relative to the proposed Sea Jetties at Cape Town and Simon's Town, I have to observe that the Estimates being merely for the cost of the Materials, it is impossible from the above mentioned documents to calculate with any degree of accuracy the probable expense that would be incurred in the construction of those Works. I take the liberty however of submitting the following rough statements.

*For the Jetty at Cape Town.*

Cost of Materials . . . . .	£7,000
Labour . . . . .	7,000
Pile-engines, jacks, cranes, &c. . . . .	3,500
Contingencies . . . . .	2,500
<hr/>	
Total Expenditure . . . . .	£20,000

*For the Jetty at Simon's Town.*

Cost of Materials . . . . .	£5,000
Labour . . . . .	5,000
Contingencies, &c. . . . .	2,000
Total Expenditure . . . . .	£12,000

With regard to the question whether a stone Pier would be preferable to a Jetty constructed of timber, *at present, as I have not seen the situation*, I can only say that the former, though perhaps it would cost nearly double the latter, might still in the end be more economical ; for if properly constructed it would endure for ages, and the expense of keeping it in repair would be little or nothing ; but on my arrival on the spot I shall be better able to give an opinion on this subject.

I have &c.

(Signed) HENRY W. REVELEY.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.*

DOWNING STREET, LONDON, 31 July 1826.

MY LORD,—I am directed by the Earl Bathurst to transmit to your Excellency herewith enclosed a requisition which Major General Bourke has transmitted to the Board of Treasury for clothing for the Government Slaves at the Cape; and as your Excellency will observe that the Board have desired his Lordship's opinion whether the said Clothing should be furnished, his Lordship would be glad to be favoured with any particulars of information which your Excellency may have it in your power to supply as to the circumstances which may have rendered this requisition necessary. I have &c.

(Signed) R. W. HAY.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to T. P. COURtenay, ESQRE.*

DOWNING STREET, 31<sup>st</sup> July 1826.

SIR,—I transmit to you enclosed a Copy of a letter from Mr. Austen a Settler residing at Bathurst, together with a Paper enclosing six ears of three different species of Wheat as more particularly described in that letter, and I am to convey to you Earl Bathurst's desire that you will take measures for providing 25 Sacks of each species of Wheat, as seed, which you will forward to the Colony, consigned to Major General Bourke.

I am &c.

(Signed) R. W. HAY.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to T. P. COURTENAY, ESQRE.*

DOWNING STREET, 31 July 1826.

MY DEAR COURTENAY,—I enclose to you a letter and its enclosures which have been received from Lord Charles Somerset relating to the admission into the Cape of tea exported from this country; but as his Lordship appears to apprehend that the East India Company might object to such a measure, I wish you would enable me to acquaint Lord Bathurst whether it is likely that the Company would raise any question on the subject. Yours very faithfully,

(Signed)      R. W. HAY.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to MR. WILLIAM GREIG.*

DOWNING STREET, 31st July 1826.

SIR,—I have laid before Earl Bathurst your letter of the 24th Instant. When his Lordship instructed the Government of the Cape to replace your brother in possession of the printing materials which formerly belonged to him, as stated in a letter addressed to him on the 12th of February 1825, his Lordship understood that the money which Mr. Greig acknowledged to have received for them had been paid to him by the Colonial Government, who had in consequence become possessed of the printing materials. At that time no communication had been made to this Department of their sale to Mr. Bridekirk, for the Communication which your Brother made to Lord Bathurst on the 19th November 1824 only contained a supposition upon which it was impossible to found any official Proceeding. Mr. Wilmot Horton's letter to Mr. Greig of the 31st December following merely recapitulated the Statement which had been made to him by your Brother, but did not as you erroneously suppose confirm that statement from his own knowledge of its accuracy; and I repeat that it was under the impression that the printing materials were still at the disposal of the Colonial

Government that his Lordship felt no difficulty in ordering their restitution. When however his Lordship was informed that the Printing Materials had actually been bought by Mr. Bridekirk, and were used by him as his Property in the trade which he was exercising, His Lordship could not but approve the determination to which the Colonial Government had come not to enforce an unconditional restitution which they had no right to direct, and which your Brother could scarcely have expected, as the application which he made on his Return to the Colony for the restitution of the Materials was qualified by a reference to the possibility that such restitution might not be wholly practicable. Earl Bathurst has received no account of the late proceedings of the Council to which you have adverted, although they will, no doubt, be received in the usual course of official Communication ; and his Lordship will direct that enquiry be made into all the circumstances of Mr. Greig's case should it appear that any part of it requires further elucidation, or that redress be due to your brother, as you appear to imagine, although after the assurances which were given to him in Mr. Wilmot Horton's letter of the 12th February 1825, he ought not to apprehend that the Wear and Tear of the Types to be restored to him would not be duly considered. With respect to the statements which you have been induced to make regarding alleged Personal communications with Mr. Horton as well as other Parts of the proceedings in your Brother's case, his Lordship has reason to believe that you must have misunderstood the Purport of what has passed. With regard to that Part of your representation for Instance in which you insist that the conditions were infringed upon which Mr. Greig's types had been sealed up, pending a reference to His Majesty's Government, you do not appear to be aware that the Types were paid for by the Colonial Government at your Brother's own request, and after the failure of an attempt which he had made to dispose of them by Public Sale. I am desired in conclusion to add that it must be for your brother to decide whether he chooses to remain at the Cape or leave it.

I am &c.

(Signed) R. W. HAY.

[Original.]

*Report of the COMMISSIONERS OF ENQUIRY to EARL BATHURST  
upon MR. BRESLER's defalcations.*

CAPE TOWN, CAPE OF GOOD HOPE, 31st July 1826.

MY LORD,—In obedience to your Lordship's commands conveyed to us in your Despatch dated 30th January 1826, and received here 19th May, we proceed to furnish your Lordship with such information as we had collected previous to its receipt, and immediately after the discovery of the defalcation of Mr. Bresler, and the apparent indication of the cause, by the calamitous termination of the life of the defaulter.

Adverting to the observation made by Mr. Herries in his letter addressed to your Lordship's Under Secretary, and dated the 18th January of this year, and the surprise expressed by the Lords Commissioners of His Majesty's Treasury at our not having followed up the discovery of the Fraud with a minute investigation into all the circumstances which Mr. Herries was pleased to observe could only be done effectually on the spot, we beg to assure your Lordship that we should have felt it our duty to have commenced such investigation, if we had not thought that from the course that was taken by the Colonial Government on the occasion, the immediate necessity of it was superseded, and that in as far as the future security of the Revenue was concerned, or an improvement in the mode of its collection, our representations would be more advantageously as well as more properly reserved until the period in which we should have to report upon the general state of that Department, or upon any defect in the control and management of it. We also felt that the absence of Mr. Dashwood, who filled the two situations of Receiver General or Treasurer and President of the Banks in the year 1813, and that of Major (now Lieutenant Colonel) Munro, who was acting Auditor, constituted material impediment to the acquirement of the information that was indispensably necessary to a satisfactory elucidation of the circumstances with which the fact itself is surrounded, and of that long and mysterious silence that has been observed respecting it.

The information collected by us here, at the period of the

discovery of the defalcation, and subsequently, enables us to lay before your Lordship the following statement.

It appears that in the years 1813 and 1814 Mr. Bresler filled the situation of Deputy Receiver General, with a Salary of 7,000 rixdollars per annum, and an allowance for a Clerk, whom he did not employ, amounting to 485 rixdollars, as well as that of Colonial Paymaster in the absence of Lieutenant Colonel Reynell, the Deputy, and the Honorable Mr. Byng, the Principal in that Office, for which he received an allowance of 600 rix-dollars per annum. The greatest part, we may say the whole, of the business of the first Office devolved upon him as Deputy Receiver General ; he received the Revenue from the different Collectors, in pursuance of letters of authority or " qualifications " of the Colonial Secretary for the receipt, and of Warrants of the Governor for the payments. One book only, in which these receipts and payments were entered, was kept in the Office of the Receiver General, from which the annual accounts were copied, and that were transmitted to England. It has been stated to us that Mr. Bresler kept a private Cash Book, but that he took it away when he left the Office. The Accounts were audited every quarter by the Fiscal and the Auditor General, who compared the entries of receipt and payment with the qualifications and warrants produced by the Receiver General, and also examined the Cash Balance and made reports thereon to the Colonial Government.

According to the custom then observed for the receipt of the Revenue, the Collectors transmitted at different periods their Accounts in duplicate, and a Balance Sheet to the Auditor General, who after proving and certifying them to be correct, sent one of them to the Colonial Office, retaining the other as a Voucher in his own ; but making no entry or copy in any Book, nor taking any account of the transaction. When the several Accounts were received in the Colonial Office, they were delivered to two Clerks, one of whom filled up the qualifications and brought them to the Colonial Secretary, or the Deputy Secretary, for signature. After being signed, the sums and the names of the Collectors were entered in two Books, one of which was a rough Cash Book, and the other a fair transcript of it, called the " Finance Book." A Copy was then entered in the letter Book of the several " qualifications "

that were sent to the Receiver General, stating the amount that he had to receive from each collector, and a Copy was entered on the other side of the same sheet of the qualification to pay ; but to save the multiplication of copies, one letter only was entered, with a note stating that similar ones were sent to the different Collectors, setting forth their names and the amount that each had to pay. Mr. Stoll, the present Receiver General, and who filled the situation of Assistant Secretary in the years 1813 and 1814, when the late Mr. Henry Alexander was Colonial Secretary, and Lieutenant Colonel Bird was Deputy Secretary but absent in England on leave, has stated to us that this practice was invariably observed, but it seems very doubtful whether the accounts of the Collectors were not sometimes sent to the Colonial Office before they had been submitted to the Colonial Auditor. Mr. Stoll has further stated that an account of the weekly Balance in the hands of the Receiver General was sent to the Colonial Office, in which the gross amount of the receipts and payments was exhibited, and also a monthly one, in which the items were set forth. These Documents generally remained in the Office of the Colonial Secretary, but were not transmitted to the Governor, unless specially called for.

Lord Howden, then Sir John Cradock, was Governor of the Colony in the year 1813, and was not relieved until the 6th of April 1814, when the Government was delivered over to Lord Charles Somerset. No particular examination of the Balance, or the account of the Receiver General, appears to have taken place at this period ; but we have found the names of Mr. Denyssen and Major Munro subscribed to the accounts of the months of January and February 1814 in the Receiver General's Book. No intimation or suspicion of any default in the receipts of that period appears to have been made or circulated in the long space of time that elapsed from the year 1813 until the month of March 1825, when in the course of an inquiry that we were making into the profits of the Discount Bank, and whether they had been duly credited to the Colonial Government from the period of its institution, we were informed by Mr. Stoll, the present Receiver General, that in making out the return he found that no credit had been given to Government for Discounts received at the Bank between the

1st of January and 31st of December 1813. Upon making this discovery, and before we had time to determine what further steps were to be taken, Mr. Stoll had proceeded to the Colonial Office, where, upon referring to the Books, he found that no entry or record had been made of the usual authority to the President and Directors of the Discount Bank to pay the amount of the profits of that Establishment to the Receiver General in the year 1813, nor of the authority usually issued to that Officer to receive it, nor any entry in the Finance Book. Mr. Stoll then proceeded to the Discount Bank, and having found on reference to two of the Bank Books of 1814 that the payment of the sum in question to the Receiver General was entered in all, under the description of the amount of discounts from the 1st January to the 31st December 1813, he requested Mr. Maasdorp, one of the Directors, to examine the Vouchers and Receipts of the Receiver General for the year 1813, as an error had occurred in the account that he had been called upon to make out. Search was accordingly made by two clerks of the Bank in the iron chest, in which such documents were kept, and after the receipts, and vouchers for payments had been selected and put together, Mr. Maasdorp fixed upon that of 1813. He made a list of the whole, conceiving that the originals might be required, and having informed Mr. Stoll that he had found the Document which he wanted, desired him to repair to the Bank where it would be shewn to him. Upon being produced by Mr. Maasdorp, it was found to be a receipt of Mr. Bresler, the Deputy Receiver General, for the sum of Rixdollars 36,277. 2. 2., stated to be on account of the Treasury, and dated Receiver General's Office, 17th January 1814. No letter of authority from the Colonial or Deputy Secretary to the President and Directors to pay the sum abovementioned to the Receiver General was found attached to the Receipt, as was the case with most of the others, and it bore no marks of having been attached to any other document ; but it was evident that it had been placed on a file of papers. Mr. Stoll then proceeded to the Auditor's Office, and requested to see the duplicate account of the Discount Bank for the year 1813. The clerk in the Office, Mr. Höhné, searched for it amongst the papers of the same date, but it was not there, nor has it since been found. Upon receiving a confirmation of these facts by

mary examination of the parties, we requested the attendance of Mr. Bresler, who recognised the receipt to be his, was unable to give any other explanation of it, and of non-entry of the sum in the account of the Receiver General, by stating that the transaction must have occurred on of those occasions in which, the Treasury being in want of Cash, the Receiver General, who was also President of the Discount Bank, had afforded a temporary accommodation, at which the receipt in question must have been given, and from neglect or hurry of business had not been cancelled, but had remained in the Chest of the Discount Bank. Mr. Bresler accompanied this explanation with an expression of his deep regret that so long a period had been suffered to elapse without any apparent notice being taken of the fact, or any examination of the cause. In the course of two or three days after he had given this explanation, and during which we were pursuing the inquiry, we learnt that he had committed the fatal act that terminated his life. We do not find that these facts have been materially varied by any information which has reached us since that period, but we will proceed to submit to your Lordship such general explanation as they appear to afford both in reference to the Instructions under which we act, and to the observations that have been made by the Colonial Auditors upon the explanations afforded them by Lieutenant Colonel Munro.

We will commence our observations by remarking that whatever doubt may hang over the want of authority in the Discount Bank to pay the sum in question, we think that none can be entertained of the receipt of it by the person who, according to the ordinary and regulated course of such transactions, was entitled to receive and to give a receipt for it (Mr. Bresler). Mr. Van Reenen, the person who was first Clerk in the Discount Bank in the year 1813 and part of 1814, and who was accustomed to check the issues of cash made by the Cashier, Mr. Crozier, and enter them immediately in his Book called a "Specie" or Cash Book, has declared to us his belief that the sum in question was paid by himself to Mr. Bresler, and that he wrote the letter P and the word and figures "17th January," with "14" under in Red Ink, as they now appear on the face of the original Receipt, (and copied in the Docu-

ments appended) No. 1. And he also states that he made an entry of the payment in the Book that he kept at the time, and which we have seen and examined. He has further explained the circumstance of the Receipt being dated "Receiver General's Office," by stating that all the Cash issued to that Officer was carried from the Bank to his Office by a Clerk (generally himself) and counted over there, and the receipts for it made out and taken back to the Bank, and handed to the Cashier (Mr. Crozier). The payment of the money is further confirmed by the entry in the Cashier's Book, and by that of the Clerk just mentioned, and by those of the Accountant through whose hands the Receipt must have passed, either immediately, or in the space of two days after the payment was made.

In addition to this, Mr. Bresler acknowledged both the payment of the money and the making of the receipt, which after the lapse of twelve years was found in the place of deposit that was assigned for the safe custody of other Vouchers of the Bank. These circumstances therefore leave no doubt that the sum of rixdollars 36,277 2 2 was actually paid on the 17th of January 1814 by the Cashier of the Discount Bank, or the Clerk on his behalf, to Mr. Bresler, as Deputy Receiver General.

The next question of importance relates to the non-existence of the usual authority for payment of this sum in the Colonial Office, whence it should have emanated, or in the Chest of the Bank, where it ought to have been found (if it had ever been given), or in the Office of the Auditor General, where no trace existed of the Document upon which the authority should have been founded, namely the duplicate account of the Discount Bank for 1813, examined and certified by the Auditor, and the Fiscal.

We have had reference to the Books of the Colonial Office entitled the Letter Book and the Finance Book, in one of which the authority for payment ought to have been recorded, and in the other an entry to the credit of Government, but no trace of such registrations has been discovered. We found however a copy of the account of the Discount Bank of 1813, signed by the accountant, and bound up with reports and letters received from the President and Directors of the Bank. The existence of this document has not been accounted for, but it certainly

fixes the Secretary and Assistant Secretary with the knowledge of the profits of the Discount Bank of 1813, and that they were available for the Public Service. It also furnishes a presumption that, in this instance, the ordinary course of transmission of the annual account of the Discount Bank to the Auditor had not been adopted, but that it had been sent to the Colonial Office. Mr. Stoll, who superintended the details of the Colonial Office at the moment, and was also a Director of the Discount Bank, is of opinion that the authority for payment was never given in this instance, as two clerks were employed in making the different entries in the Letter Book and the Finance Book, who must have connived at each other's fraud if the neglect of that duty had been wilful. Supposing, however, that this argument may be sufficient to negative the existence or issue of any authority for payment from the Colonial Office (which may reasonably admit of doubt) the question immediately arises by what authority was it that the Cashier of the Discount Bank made such a payment to the Deputy Receiver General. Mr. Crozier has stated to us that he never made any payment from the Bank without an order from the President or Directors, but admits that sometimes such orders were verbally given, and he thinks that he must have made the payment of the sum in question without the usual letter of authority from the Colonial Office. This inference is confirmed by the terms of Mr. Bresler's receipt, in which the sum paid to him is not described, as was usual, arising from any particular Branch of Revenue, but merely "on account of the Treasury," and it is admitted by the Clerk who paid the money and took the receipt that the entry in the books of the Bank, stating that the payment was on account of Discounts of the year 1813, would not have been so expressed, unless the Cashier, the Clerk, and Accountant had all known that it was correct, and that the account of the Discounts had been examined and approved. Upon an inspection of the several books of the Bank, there was nothing in the appearance of the entries that justified a suspicion of clandestine or irregular insertion, or of improper alteration, and the date of entry (31st December 1813), and of subsequent examination and audit, also agree with the periods at that time assigned for both to this particular branch of collection. We also find that the account of the Discount Bank for the year

ending 31st December 1813 was examined and approved by Mr. Denyssen, the Fiscal, Mr. Matthiessen, a Member of the Court of Justice, and Major Munro, the Acting Auditor, and the entry of the Discounts is dated 31st December 1813.

We have to observe upon the non-existence of the duplicate account in the Office of the Colonial Auditor. In the usual course of business such a document ought to have been sent thither in the first week of January 1814, and if any journal of the proceedings of the Auditor had been kept, or any entry made of the accounts that he audited, we should not at this period be in doubt whether the document had ever existed, or had been transmitted to his Department, or lastly whether it had been fraudulently and surreptitiously withdrawn from his Office. It is necessary here to state that similar documents lodged in that Office are not, to this day, kept in any place of greater security than an open pigeon hole. Mr. Lehman, who is now, and was in 1813, the first clerk, and in whose care the papers and documents of the Office were placed, and who in fact conducted the business of it, affirms under pledge of his oath that he had no knowledge of the account having been ever sent to the Office, or of its having been withdrawn, until the application was made for it last year by Mr. Stoll.

We now proceed to offer a few observations upon the point that has naturally so much attracted the attention of your Lordship, namely, the silence observed by all the persons connected with the administration of the Revenue upon the defalcation of so large a sum as that of rixdollars 36,277 2 2 in the Revenue of 1813, premising only that our observations will apply to all those whose official duties would have led them to notice the fact, to investigate the cause, and to denounce or to punish the Defaulter, and lastly we shall briefly notice the inference that has been attempted to be drawn by the Orphan Chamber in behalf of heirs of the unfortunate Mr. Bresler, from his general habits of economy, and from the account they have given of the source whence the property of which he died possessed was derived, and from which also the Crown has to look for payment.

We must first remark that the defalcation took place towards the conclusion, but within the period of the Government of Sir Francis Cradock, now Lord Howden, who did not resign it until

the 6th April 1814. Independent of the general responsibility that attaches (we presume) to the Governor of this Colony for duly accounting to His Majesty's Government for the disbursement of every part of the Colonial Revenue that has been received during the period of his Government, we have been impressed with the increased importance that the approach of his departure must have given to the due fulfilment of this trust, both with regard to himself and his successor. We have however been surprised to find that altho' monthly statements of the Receiver General's account were sent to the Colonial Office, and might have been seen by the Governor, and that altho' he was preparing to deliver over a balance to his successor, the accuracy of which it behoved him to ascertain, yet it does not appear that the Governor made any inquiry into the state of the revenues at the end of the year 1813, or that any particular examination of it took place before it was handed over to Lord Charles Somerset.

We felt more surprise at these circumstances, as indicating want of attention to an important branch of administration, when we contrasted them with the proofs of personal activity and zeal which the records of Sir John Cradock's administration exhibit, and especially in relation to the Colonial Finances. We have also to remark that no record exists of the letter transmitting the public accounts of 1813 and the first three months of 1814 to England, but it is presumed from this circumstance that Sir John Cradock took them with him. The same observations will very nearly apply to the very respectable gentleman, now no more (Mr. Alexander) who filled the Office of Colonial Secretary, with this addition, that his longer connection and service in a Department of which the finance of the Colony even in its most practical details forms a large branch, and the accurate knowledge that he must be presumed to have acquired of every item of the revenue and their various sources and periods of payment, must have drawn his attention to the accounts, in which he would have easily detected the large and unusual deficiency that existed in them ; for altho' the early profits of the Discount Bank were small, yet they had considerably increased in the space of three years, and the fact of Mr. Alexander having signed a letter of authority to the President and Directors of the Lombard Bank in the month of

February 1814 to pay these profits arising from interest or loan to the Receiver General, naturally suggests the belief that his attention must have been equally directed to the profits of the Discount Bank. If we feel regret in making these observations upon the conduct of an individual who carried with him to the grave so large a share of public attachment and respect, it is much increased by the necessity of drawing your Lordship's attention to the conduct of Mr. Stoll, a native of the Colony, and who has been distinguished for his assiduity and attention as a public servant during a long course of employment and progressive advancement from a subordinate situation in the Colonial Office to the high and confidential one in which he stood, both at and some little time after the occurrence which we are now considering. He was then Assistant Secretary, performing the duties of Assistant Secretary in the absence of Lieutenant Colonel Bird, and must have been acquainted with the contents of the Auditor's Instructions which were issued in 1809 respecting the examination of the accounts of the Receiver General. He was much trusted by Lord Howden, who has left an ample testimony of his merits in the records of the Colonial Office ; and we mean no reflection on the memory of Mr. Henry Alexander, the Colonial Secretary, when we say that all the accounts agree in stating that he took a much larger share than his Principal in the active duties of that Department. The weekly and monthly accounts of receipt must unquestionably have passed through his hands, and his notice of defalcations in the annual revenue whenever they occurred must have been more quickly excited, in consequence of the practice that he had observed of making an abridged and comparative statement of them on cards at the end of each year for the use of the Governor, the Colonial, and Deputy Secretary. It is true, as observed by Lieutenant Colonel Bird, that in these abstracts, as well as in the public accounts, the profits of the Lombard and Discount Banks were blended under the single title of "Loan Bank," but still we are led to think that an error or omission of so large a sum as rixdollars 36,277 2 2 in the returns of those establishments could not have passed unobserved upon any comparative view of their Revenues, such as was subsequently ordered to be prepared by the Colonial Auditor in the Treasury Instructions of 1816. We think it

necessary however to notice in this place a circumstance which tends to shake the credit that statements so prepared, as well as the Receiver General's Account, would otherwise command. We have not seen the original card of 1813, but we find in a document which we believe to be a transcript of it, that the Revenue of the Banks of that year is stated to be rixdollars 116,828 3 3, while it has been discovered that the Revenue credited to Government in the books of the Receiver General is only rixdollars 80,551 0 4, leaving a difference of rixdollars 36,277 2 2, the exact amount of the sum received by Mr. Bresler. We conclude therefore that Mr. Stoll must have prepared his annual abstracts from other sources than the accounts of the Receiver General, the Finance Book, or the Records of qualifications that were kept in the Colonial Office, for, as we have already had the honor to observe, no mention of this sum was made in any of them. As a Director of the Discount Bank (which he was at that time) Mr. Stoll might perhaps be better acquainted with its exact profits, but on the other hand, as Assistant Colonial Secretary, he might have availed himself of that knowledge to watch with greater vigilance and effect the due receipt of those profits by the Government. It is fit that we should add that Mr. Stoll quitted the Office of Assistant Secretary in 1814, and therefore did not prepare the abstract of the accounts of that year.

The attention of the Auditors of Colonial Revenue has been drawn to the conduct of Lieutenant Colonel Munro, Acting Colonial Auditor in the year 1813, and the early part of 1814, and especially in not exercising the power that he derived from the 4th Article of his Instructions, in calling for the accounts of the different Collectors if they neglected or refused to send them in at the usual period. Major Munro in his answer to the Colonial Auditor, dated the 31st October 1825, expresses his doubt, and is unable to recollect whether the accounts of the Discount Bank for 1813 were ever examined by him, and whether they were ever sent to him as the accounts of other Collectors of Revenue were. From the lapse of time, his recollection seems to have failed him, for we have found an account in the Ledger of the Lombard Discount Bank Folio 276 dated 31st December 1813, and signed by the principal Accountant, and also examined by D. Denyssen, Fiscal, William

Munro, Acting Auditor, and Mathiessen. The usual examination at that time of the collections of the Discount Bank was made at the end of every year, and altho' dated on the last day, was frequently deferred until a fortnight, or a month, and sometimes two months afterwards. It is however stated by all the Officers of the Bank that the amount of the discounts would never have been paid to the Receiver General on the 17th of January 1814, if the then annual audit of their account had not been made. In this account it will be observed that the discounts of the year, amounting to rixdollars 36,277 2 2, were inserted.

We further must observe that no longer interval could have elapsed between the examination of this account of the Discount Bank and that of the Receiver General, in which it was omitted; for we find that the signature of Major Munro was affixed to the accounts of that Department in the months of January and February 1814. Upon these occasions it was usual for the Fiscal and the Auditor to make a report to the Governor, and altho' we do not find this document recorded with others of the same kind in the books of the Colonial Office, yet we have been able to obtain a copy from the Fiscal, who informs us that he always retained copies or rough drafts of such joint reports. Your Lordship will observe that the Report is dated the 6th of May 1814, subsequent to the departure of Major Munro, and recites that the Fiscal "together with the late Acting Auditor," (Major Munro) had examined the monthly accounts of the Public Treasury from the 1st November 1813 to the 28th February 1814, and that Government in that period had been duly credited for the monies *paid* into the Treasury by the different Collectors, and that regular received Warrants had been produced by the Receiver General.

We have already had the honor to observe that the signature of Major Munro is affixed to the Receiver General's accounts of January and February 1814, and there can remain no doubt that in conjunction with the Fiscal he made the examination of them. It is probable that Sir John Cradock took with him to England copies of the account so examined, but did not wait for the Report, which seems to have been presented to his Successor in the month of May 1814. The Acting Auditor however does certainly appear to have incurred the blame

imputed to him, of certifying an account in which a very gross omission had occurred of the large sum of rixdollars 36,277 2 2, and which had very recently been brought under his notice by the examination of the books and accounts of the Discount Bank. The Fiscal has stated to us that even if such a fact had attracted his notice, he did not conceive that it was his duty to remark upon it, and that he was not required to do more than to compare the entries of receipts in the Receiver General's Books with the Vouchers that he produced, and to see if they corresponded. It will be obvious to your Lordship that with such an understanding of the nature of these examinations, they could afford no check upon the Receiver General; and here we beg leave to submit to Your Lordship's notice another instance of the neglect of his instructions by the Acting Auditor, in not having copies taken or entries made of the accounts that were sent to his Office, and that had been previously examined by him; for it is clear that if he had been in possession of a copy of the account of the Discount Bank, and had compared its amount with the items for which credit was given in the Receiver General's account of January 1814, the omission of the Discounts of 1813 could not possibly have passed unobserved. Lieutenant Colonel Bird in his answer to our queries has certainly stated that these periodical examinations had not for a considerable time been punctually attended to, and he also expresses an opinion "that it is quite impossible that any default in the due payment of the Public Collections to the Treasury should have occurred, if the duties of the Auditor had been performed as the Public had a right to expect that they should have been."

With this opinion of the importance of these examinations and of the manner in which they were performed, it is somewhat surprising that the attention of Lieutenant Colonel Bird and Mr. Bentinck should not have been drawn to the correctness of an account that so immediately preceded the resumption of their respective duties, those of Colonel Bird on the 16th March 1814, and those of Mr. Bentinck on the 17th May 1814. And altho' the latter gentleman arrived on that day, we find that he audited the Receiver General's accounts of the month of March preceding.

We have finally to notice a circumstance which will be

considered perhaps the primary cause of the want of vigilance that has been remarked in the Officers of the Revenue Department respecting the default of Mr. Bresler.

We have had the honor to state that Mr. Dashwood held the two offices of Receiver General and President of the Banks, at the period in which it occurred and for some little time afterwards, when we find that in the latter capacity a discharge was ordered by Lord Charles Somerset to be made out on the 5th August 1814, after his Accounts had been examined and reported upon by Mr. Bentinck the Auditor General and Mr. Mathiessen who has already been mentioned. The examination made by these gentlemen did not necessarily embrace the point that is now under consideration, but we think it our duty to state that we have been informed that however meritorious the conduct of Mr. Dashwood may have been as President of the Banks, he did not give that regular attention to the business of the Receiver General which its importance required. It was allowed to be almost entirely conducted by Mr. Bresler, as indeed the accounts and documents which we have examined abundantly testify. Mr. Dashwood had left the Colony before the discovery of the default of his former Deputy took place ; but we conceive it may be material that we should acquaint your Lordship with a practice that existed in the two offices, which he disclosed to us in a general examination of the concerns of the two Banks that took place before his departure, and which has since been confirmed by a letter that was addressed by Mr. Bresler to the Colonial Secretary previous to his death. It was stated to us by Mr. Dashwood that a system of accommodation existed between the Banks and the Receiver General's Office, by which he was enabled to regulate the transactions of both so as to render them subservient to the necessities of each other, by borrowing from the Bank in aid of the revenues of the Colony, or from the Treasury in aid of the public Discounts. Mr. Bresler also stated in the letter to which we have alluded, that it was the custom when there was not sufficient money for the payment of Warrants, with the knowledge of the Receiver General to apply to the Discount Bank for a temporary loan, for which a receipt was given according to the form of that enclosed, different from those more in detail which the several

collectors usually received when they paid in their respective receipts ; and that when the temporary warrants were repaid, the receipt was returned, without either the one or the other being entered into the books of the Receiver General. It is possible that Mr. Dashwood may be able to give some further explanation of a practice with which it would certainly appear that he was acquainted, and which if not vigilantly watched, was pregnant with danger to the Revenue. We have indeed found a few instances in which pecuniary accommodation was afforded by the Bank to the Treasury ; but the advances, as well as the reimbursements, are entered in the Receiver General's Account, and at the period in which the discounts of 1813 were received by Mr. Bresler there does not appear on the face of the accounts to have existed any want of funds, to have produced the necessity to which he alludes.

Not having been able to procure any evidence of the manner in which the business of the Receiver General's Office was conducted in the year 1813, (in as much as Mr. Dashwood and Mr. Bresler were the only persons concerned in it) it is not in our power to determine to what extent the remissness of Mr. Dashwood, or his misplaced confidence in Mr. Bresler, might have involved him ; but we do not think that even if the consequences had been more extensive than they were, the Governor under whom such a system had been tolerated could have been exempt from responsibility or blame.

Having examined the circumstances under which the abstraction of a large portion of the Colonial Revenue has so long remained unnoticed, we will briefly advert to the inference that has been attempted to be drawn by the Board of Orphan Masters on behalf of the children of Mr. Bresler, from an examination of the sources whence his property had been derived, and from the improbability of his having augmented it by a fraudu'ent application of the money that was placed in h's charge. The official income that he possessed would not, we think, have enabled him, even with the economical habits that were attributed to him, to have accumulated any property. His own patrimony was of very inconsiderable amount, but had been augmented by the property of his first wife, amounting to Rixdollars 10,000 and upwards. In the

year 1820, and previous to his second marriage, a valuation of the property was made for the purpose of assigning the legitimate portions to the two children of the first marriage. The valuation is admitted to have been very high, and from that circumstance, and an increase in the number of the slaves by birth, it was estimated at Rixdollars 50,150, out of which the sum of Rixdollars 16,666 was assigned and paid to the two children. Mr. Bresler received from the marriage of his second wife in 1820 from Rixdollars 20,000 to 25,000, which being made according to the Law and custom called "Community of Goods," has become liable to the debts of the husband, and forms the principal source from which the Crown has very lately received payment. After the remaining debts are satisfied, the balance accruing to the widow of Mr. Bresler will not exceed the sum of Rixdollars 8000, constituting one third only of the property that she brought to the marriage.

On the other hand we are bound to state to your Lordship that in the course of our inquiries into the more probable sources of Mr. Bresler's property, we found that in the month of January 1815, when just one year had elapsed after this defalcation, and when he had good reason to believe that the omission of the Rixdollars 36,277. 2. 2 had passed unnoticed, he opened a private account with the Discount Bank, and deposited the sum of Rixdollars 89,723. 0. 2 on the same day on which (as appears from the accounts of the Discount Bank) he had received two large sums consisting of the profits of the Discount Bank of the year 1814, amounting to Rixdollars 37,427. 0. 2, and the amount of a Draft of the Collector of Customs for duties collected in December 1814, amounting to Rixdollars 51,895, which with two small drafts amounting together to Rixdollars 401, make up exactly the amount of the sum deposited. He continued to draw large sums of money from the Bank in the course of the year, especially previous to his retirement in March 1815, until November 1816, when the account was closed and not again opened. From this account it would appear that the very considerable sum of Rixdollars 266,363 had been paid and drawn from the Bank in the course of twelve months. The magnitude of this sum would perhaps negative any supposition of the fraudulent appropriation of

the whole, if the want of an effectual check upon the office of Receiver General had not left a suspicion which we regret to say (as far as regards Mr. Bresler) has been confirmed by a circumstance that has very recently come to our knowledge. In the early part of January 1816, in consequence of an accidental inquiry made by Mr. Buissinné, then Landdrost of Swellendam, it was discovered that Mr. Bresler had received in the month of November in the year 1813 the sum of Rix-dollars 4000, as part of the contribution of the inhabitants of the above district to the Commando Tax for that year ; upon being questioned respecting it, he admitted the fact, and gave no other explanation of it than that he had omitted to enter it. An order was given that the sum should be immediately paid, and a letter was addressed to Mr. Dashwood authorizing him to receive it. The circumstances were made known to Lieutenant Colonel Bird, but we are not informed whether Lord Charles Somerset was apprized of them. We are disposed to think that he was not, as we cannot conclude, with such a proof of Mr. Bresler's conduct before him, that he would have allowed him to retain the seat in the Court of Justice to which he had been appointed in the year 1815.

We refrain from a repetition of the observations that we have already made upon the neglect of Lieutenant Colonel Munro and Mr. Dashwood, the Auditor and Receiver General, which are so strongly applicable to the circumstances of this fresh instance of Mr. Bresler's Fraud, and we think that they fully confirm the inference drawn by the Commissioners of Colonial Audit of the inefficiency of the Office of Colonial Auditor.

From the statement that we have already made respecting the property of Mr. Bresler, your Lordship will conclude that the Crown has not sustained loss from his attempt to defraud it ; but as the principal source of reimbursement has consisted of the property contributed by the widow at her marriage, which took place in the year 1820, and long after the defalcation, your Lordship will not perhaps think that we outstep the line of our duty in venturing to suggest that a reimbursement of the sum of Rixdollars 12,000 should be made in her favour, which with the surplus of the property calculated by the Orphan Chamber, may replace the sum that she brought at

her marriage, and which it was competent to her to have secured by the provisions of an ante-nuptial contract.

We have &c.

(Signed) JOHN THOMAS BIGGE,  
WILLIAM M. G. COLEBROOKE,  
W. BLAIR.

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[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 1 August 1826.

SIR,—I have had under my consideration Lord Charles Somerset's dispatch No. 265 of the 10th of February last, enclosing an application which had been made to His Excellency from Mr. J. B. Ebden for permission to establish a Joint Stock Banking Company in the Colony, together with the Opinion of the Council upon this application ; and as I propose to have some communication with the Lords Commissioners of His Majesty's Treasury upon this subject, I have to desire that until you receive instructions to the contrary you will withhold the sanction of the Colonial Government from any scheme which should be founded upon the expectation that the Government would pledge itself to facilitate the circulation of the notes of any private Banking Establishment. I am &c.

(Signed) BATHURST.

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[Original.] ...

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, 1st August 1826.

MY LORD,—In the absence of His Excellency Lord C. H. Somerset I have the honor to acknowledge the receipt of your Lordship's despatch of the 22nd March last, No. 252, with two enclosures from the Board of Treasury and the Commissioners

of Colonial Audit on the subject of an over issue of salary with which his Lordship had been surcharged.

In reply I have the honor to state that in the month of October 1825 Lord C. H. Somerset refunded to the Colonial Treasury the sum of Rds. 22,446 1 3 on account of salary drawn by him as Governor of this Colony from the 2nd November 1813 to 31st March 1814, which had been disallowed by the Commissioners for auditing Colonial Accounts. I have &c.

(Signed) RICHD. BOURKE.

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[Original.]

*Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.*

CAPE TOWN, CAPE OF GOOD HOPE, 1<sup>st</sup> August 1826.

MY LORDS,—We have the honor to acknowledge the receipt of your Lordship's Despatch under date the 30th April last, in which you are pleased to direct us to proceed without delay to the Mauritius for the prosecution of our general inquiries into the affairs of that Colony, and in particular to investigate the complaints which have reached His Majesty's Government of the illicit trade in slaves that is alleged to be carried on; and also respecting the imputed connivances and participations that some of the civil servants are supposed to have had, and which have induced your Lordship to suspend them from their functions.

We take this occasion to acquaint your Lordship that we have received information from time to time upon the subject of the Slave Trade from various quarters, and have collected many details that we trust will materially aid the elucidation of this important subject, to which our early attention has been directed, and facilitate the completion of an early Report to your Lordship after our arrival at the Mauritius.

We will not anticipate to your Lordship the explanations that our General Report will contain of the circumstances that have unavoidably delayed the transmission of that Report so much beyond the period that we had contemplated and hoped.

We have been duly impressed with the importance of the

arrangements that have depended in a great degree upon the result of our inquiries ; and we shall hope for your Lordship's indulgent consideration of the causes that have retarded us, in the actual circumstances of the Colony, when fully apprized of them.

We have now to inform your Lordship, and with deep regret, of the continued indisposition of our friend and colleague, Mr. Bigge, and which will entirely preclude him from obeying your Lordship's Instructions to proceed to Mauritius, and in informing you of our intention promptly to obey those Instructions, on the transmission of the important Reports that are now on the point of completion, it is at least satisfactory to us to reflect that altho' we shall be deprived of the valuable assistance of Mr. Bigge in the future prosecution of our inquiries, the Public Service will the less suffer, as he will still be enabled to proceed with those Reports which it will not be in our power to transmit to your Lordship previous to our departure. By this arrangement, we confidently hope that during the course of our inquiries at Mauritius, the details that will remain for execution at the Cape will be progressively disposed of, and that our return to the Colony for their completion will be rendered unnecessary, as it is proposed by Mr. Bigge to prepare our further Reports in conformity to the views we have formed on the several subjects to which they will relate, forwarding them for our revisal previously to the adoption and transmission of them to your Lordship.

We beg leave to add that the Reports that we wait only to complete previous to our embarkation, and which we conceive we should not be justified in leaving unfinished under the circumstances of our unavoidable separation from Mr. Bigge, as well as their own importance, comprehend the subjects of the administration of the Government in its general and provincial relations, the administration of the Laws, and the Establishments of the Court of Justice, the Finances, and the Civil Establishments of the Colony, the Landed Tenures, and the internal and external Trade of the Colony.

In the measures which your Lordship may be induced to adopt on the receipt of these Reports, will depend the principal relief which we hope may be extended to the Colony in the ensuing Session of Parliament, and in which all Classes of the

inhabitants, including the Hottentots and the Slaves, may be expected to participate ; altho' it will remain for us at a future time to bring the condition of these Classes more particularly under your Lordship's notice, with a view to the improvement and general amelioration of their condition.

We have only to add that the Reports on which we are now engaged may be expected to be ready for transmission to your Lordship before the expiration of the present month ; and that as the arrival of Commodore Christian from Mauritius is soon expected, we shall avail ourselves of the assistance he will be prepared to afford us to proceed with all expedition to the place of our destination.

As the situation of Mr. Bigge, and the voluminous papers relating to Cape affairs that will remain with him, have suggested to us the expediency and even the necessity for the continuance of our Secretary Mr. Gregory for a time, to assist Mr. Bigge, we propose to take with us a confidential clerk, Mr. W. T. Mackrill, who has been, with great satisfaction to us, in our employment during the last three years, who has a sufficient knowledge of the French language, and who having no connexion at the Mauritius, will be of essential service to us.

With assurances of our anxious desire to fulfil with promptitude the Instructions of your Lordship, we have the honor &c.

(Signed) WILLIAM M. G. COLEBROOKE,  
W. BLAIR.

P.S. 2nd August 1826.

Since we concluded our letter, we have received a communication from Captain Polkinghorne, the Senior Naval Officer at Simon's Bay, in the absence of Commodore Christian, in which he informs us that he has not yet received any Instructions from the Lords Commissioners of the Admiralty relative to affording accommodation to us in removing from this Colony. He has merely a general Instruction from Commodore Christian, directing him to exercise a sound discretion in the event of receiving any application from us.

W. M. G. C.  
W. B.

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[Original.]

*Letter from JOHN THOMAS BIGGE, ESQRE., to EARL BATHURST.*

CAPE OF GOOD HOPE, 1st August 1826.

MY LORD,—I lose no time in acknowledging the receipt of your Lordship's dispatch under date of the 30th April, instructing myself and my colleagues to proceed without delay to the Island of Mauritius and to enter upon an inquiry into the conduct of certain high officers of the civil Government, with permission to return to this place and to complete such portion of our business as we may not have been able to finish. It is a matter of deep concern to me that I feel myself precluded, on account of the reasons which the enclosed Document will explain, from paying that ready obedience to your Lordship's Instructions that my colleagues are preparing to shew, by their early departure, but I can safely assure your Lordship that if I had not been able to appeal to the conscientious opinions of the very able person, whose signature is affixed to the enclosed certificate, the impression that I have of my own situation would of itself have induced me to decline a removal so obviously attended with danger.

Tusting that your Lordship will give me credit for a zealous wish to perform all the duties that devolve upon me, and for not shrinking from any that it is in my power to execute, I have no hesitation in submitting to your Lordship's judgment the circumstances that now occur to prevent me.

Animated by the same desire that my colleagues have felt to bring to a speedy conclusion our report upon the principal subjects enumerated in our Commission, we shall make every exertion in the short space that may remain previous to their embarkation either to Dispatch or so to complete our Reports upon them as to place His Majesty's Government in possession of the most important questions and to enable them to act upon them before the meeting of the next Parliament. But as subjects of minor importance, upon which information has been collected still remain for report, I shall earnestly devote myself to that object, retaining Mr. Gregory, our Secretary, to assist me in the necessary arrangement of details and documents. I shall hope to be able to transmit the whole for the revision of

my Colleagues at Mauritius, and thus to bring our business at the Cape to a termination without occasioning any necessity for their return to it.

If it is a subject of deep regret to me to be separated in any portion of my duty from persons in whose ability and integrity I have reason to place so much confidence, it is with feelings of more pregnant concern that I am now compelled from considerations of health alone to entreat your Lordship to allow me to retire from the situation I have the honour to hold, as soon as I shall have brought the business of the Cape to a conclusion.

I trust that my health will enable me to accomplish that object, but as I am not sanguine enough to anticipate such an improvement in it as will enable me to encounter the effects of a hotter climate, I feel it my duty to make that declaration, and to afford the earliest opportunity of making a new selection. To obviate, as far as lies in my power, any difficulty in making an early provision for my successor, it is my intention to cease to draw my salary after the quarter ending the 31st December of this year.

With a view also to afford any information or assistance in the new arrangements to which the recommendations in our Report might lead, it was my intention to have returned to England before the expiration of this year, but as I feel that I should have been exposed to the hardships of a winter voyage and to the inclemency of that season on my arrival, I think that I shall now defer my departure until the months of February or March, under the persuasion, that I shall by that time have been honoured with your Lordship's acceptance of my resignation. I am &c.

(Signed) JOHN THOMAS BIGGE.

[Enclosure in the above.]

I certify upon my honor that J. T. Bigge Esquire, H.M. Commissioner of Inquiry, is at present under my professional care, in consequence of an affection of his left leg, the effects of an injury sustained by him when on the Frontiers ; and altho' it is now in a progressive state of improvement, and likely to do well, yet I am most decidedly of opinion, that making a voyage

to the Mauritius at this moment would impede the cure of his leg and seriously injure his general health, by protracting if not eventually confirming the diseased state of his limb.

(Signed) JAMES BARRY, M.D.

CAPE TOWN, July 31<sup>st</sup> 1826.

[Original.]

*Letter from HARRY RIVERS, ESQRE., to EARL BATHURST.*

CAPE TOWN, 1<sup>st</sup> August 1826.

MY LORD,—His Majesty's Commissioners of Inquiry having communicated to me Your Lordship's directions contained in your Dispatch to them of the 15th April last, I have fully replied thereto in my letter to the Commissioners of this day's date, and I need now therefore only beg leave to state to your Lordship that the correspondence between Lord Charles Somerset and myself originated in, and was conducted under, such peculiar circumstances of Hurry and Confidence as left me on most occasions scarcely time to answer His Lordship's communications, much less to take copies of my replies, or to entrust them to any other persons for that purpose. The same circumstances precluded Lord Charles Somerset from retaining copies of his letters to me, altho' His Lordship is in possession of every letter received from me, it being a very natural, and not unusual, thing to retain letters received without taking copies of letters written, the possibility of their being used or required for public official purposes never having been contemplated.

Your Lordship's having made my Fate to depend on the character of my correspondence with Lord Charles Somerset, I am called upon to declare that I feel so conscious of the rectitude of my own sentiments and motives that I cannot have a feeling against this correspondence being brought forward, altho' Your Lordship will perceive the injustice of any partial production of my letters without the primitial and corresponding letters of Lord Charles Somerset being at the same time submitted to Your Lordship's perusal. The existence of this

correspondence was made known to Your Lordship by the Report of His Majesty's Commissioners of Inquiry, and the nature of it was obtained from me, under their proffered pledge of secrecy and confidence, for Your Lordship's individual and exclusive information. My former explanations having been received as complete, and considered satisfactory, I need scarcely express the disappointment I feel at this renewed reference, or dwell on the ruinous and painful suspense under which I am left to suffer. I have &c.

(Signed) HARRY RIVERS.

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[Original.]

*Letter from MR. WILLIAM BEDDY to EARL BATHURST.*

ABBEY STREET, DUBLIN, 1st August 1826.

MY LORD,—Disagreeable as it at all times is to dissent from the ideas of those persons whose opinion we respect, I feel it doubly so, to be constrained to differ from your Lordship in the view you have taken of the statement I had the honor of submitting, as contained in your highly valued communication of the 20th ultimo.

In the first place then, my Lord, it appears that your Lordship considers that my son, having obtained the permission of the local Government to establish himself there, and so far succeeded as to have thirty two pupils "cannot justly complain of want of success."

I feel bound to believe from your Lordship's stating that the *permission* was applied for and *granted*, that it was absolutely necessary, as such is the case he has every right to be (and no doubt is) thankful for it, and so far success hath certainly attended him, but My Lord, I am quite at a loss to imagine from what data your Lordship hath drawn your information, when you come to the conclusion that "it is evident, therefore, that your son cannot justly complain of want of success." Whether it is drawn from his having obtained *permission* to *reside* in the Colony or from his having thirty two pupils, if from the latter, I must confess My Lord I am not so fully in

possession of the income and expenditure of the establishment, as to be able to say whether the nett proceeds ought to be in my opinion a sufficient equivalent for the giving up a professional pursuit at home, and the mental and bodily fatigue which necessarily attach to so arduous an undertaking.

But My Lord, I will with your permission state how far it is considered so by him, who alone can form a correct opinion on it.

In his letter of the 29th April 1826 he says, "I had written to you in January in a very discontented strain, for the labour that I have to encounter and the difficulties of my situation are enough to put me out of temper. My avocation *is here* an unpleasant one, and certainly none can be more irksome, or more laborious, at the same time endeavouring to the utmost of my power to fulfil what I have undertaken, and finding that to obtain adequate assistance is attended with great difficulty *and so much expence as the establishment will scarcely repay*, the folk here seem to have been accustomed to very contemptible persons in the capacity of teachers, however I have much reason to be thankful, the number of my pupils *I am told far exceeds* that of the *Government school*, notwithstanding the difference of terms."

With your Lordship's permission, I will offer a few remarks on that account. It is perfectly clear then that the advantages to be derived from the number of lads now in the school do not, after deducting the charges attending the establishment, produce an equivalent for the time and trouble, and that the superiority of the course pursued by my son is quite apparent from the preference given him.

Your Lordship will probably consider that the difference being manifest, he will be sure to reap the advantage. If the rival establishment (may I not fairly call it so,) depended on individual exertion, it would not admit of doubt, it *should be relinquished*, but supported by a "handsome income and house rent free," ineffective as it is, it may continue to deprive him of the advantage he has a right to expect.

The next passage I will beg leave to remark on regards the countenance shewn by the Colonial Government, it affords me sincere pleasure to have it in my power to bear testimony to the liberal and kind feeling evinced by His Excellency the Governor, for which I beg to return him my most grateful

thanks. That your Lordship should consider my application unnecessary, has, I must confess, caused me no small surprize, feeling that my son's interest was at stake, and knowing that whether advantage or loss attended his undertaking rested with your Lordship, was it unnecessary to seek justice at your hands, nay, My Lord, was it not a case of paramount necessity ? I considered it was, and I must acknowledge I think so still.

Your Lordship is pleased to say, I seem to imagine that the accidental circumstance of my son's presence at the Cape should have had weight with His Majesty's Government in the arrangement which it was judged proper to adopt &c. I frankly confess I would have expected, *even if my son's presence had been purely accidental which it certainly was not*, that still some regard would have been shewn him, when it was known that he was pursuing a plan which His Majesty's Government had then (*only*) in contemplation.

It may perhaps be too much to expect from the liberality of the British Government that they would shew a small degree of regard for the interest of any individual, but permit me to say, 'tis the first time the thought hath suggested itself to me, and it is one I must confess myself unwilling to entertain.

Your Lordship is pleased to say no new establishment has been formed, but My Lord, when Captain Percival wrote his account of the Cape of Good Hope, (dedicated to His Royal Highness the Duke of York in 1804), there was no Government School there, nor be it remarked, had there been whilst the Cape was a Dutch Settlement. For in page 280 he speaks thus of the state of education : "The schoolmasters, who attend the children at their parents' houses, are generally low, illiterate people, who have probably spent the greater part of their lives in carrying a musket, and whose knowledge extends only to a little reading and accompts."

There was no Government School there in 1821, (prior to that since the retaking of the Cape I cannot speak,) but My Lord, the *knowledge of that fact* was, as I before stated, the *inducement held out to my son to go out there*.

Am I then, my Lord, to suppose that the appointment was made for the sake of the patronage it affords ; no, My Lord, I will not, I cannot entertain an opinion so derogatory to the

British Government, but it seems strange that the local Government should give countenance to an undertaking to be opposed to a Government establishment, then about to be formed.

The inference then my Lord, as I conceive, is, that the Colonial Government must have been quite in the dark regarding the embryo establishment, at all events my son was so, and the inducement to go on with the undertaking was strengthened, and the determination to do so confirmed, by the very *liberal* *feeling* shewn towards *him* by *the local government*, which gave him reason to *hope for countenance, not opposition*, from the *Government at home*.

Is it then unreasonable to expect, the wishes of the Government having been anticipated in a manner assuredly deserving their approbation, that they would withdraw a school, which not depending on individual exertion, is of course less likely to be serviceable, and save the country the expence necessarily incurred without a probability of advantage.

I do not my Lord seek an appointment for him, place him on the same footing as when he commenced by withdrawing the unnecessary Government School altogether.

Or, my Lord, if you have confidence in your establishment, and *believe it is not a useless burden*, let it prove that it deserves *your patronage*, withdraw your *pecuniary support* from it, and let them rest on their respective merits ; but, My Lord, I must entreat that the balance will be held even.

It gives me no small share of pain to dissent from any act of the Government of my country, on whom I have the most perfect reliance, but My Lord, the Cape will not afford remuneration to both, my son's establishment hath been formed a *year and a half before the Great School was opened*, and would it not be a hardship that he should have to not only forego the advantages he had a right to expect, but also really become a considerable sufferer by the interference of Government.

If that interference was ever likely to produce an advantage, I would admit the necessity of it, but my Lord, I am constrained to deny that it has done, or can do so ; *no benefit can be derived from the Government School that was not before to be obtained from that of my son.*

In conclusion, I beg to inform your Lordship that my son has *not* been the promoter of the application I have made,

but as the paternal guardian of his interest, I considered it advisable to submit it to your Lordship's serious consideration.

I am &c.

(Signed) WILLIAM BEDDY.

P.S. It may be necessary to inform your Lordship that the situation my son vacated to enable him to form his present establishment was, (settled by written contract between the parties) for not less than five years at an annual salary of one hundred and fifty pounds, and Board, lodgings and every other attendant accommodation.

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[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, 2nd August 1826.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's despatch No. 256, of the 9th April last, enclosing three documents which had been received by your Lordship from His Majesty's Minister at the Diet at Frankfort, for the purpose of being legally authenticated in this Colony, and I now do myself the honor of returning the original instruments duly verified by me. I have &c.

(Signed) RICHD. BOURKE.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.*

DOWNING STREET, 2nd August 1826.

MY LORD,—I have had the honor to receive and to lay before Earl Bathurst your Excellency's letter of the 28th instant enclosing an application on behalf of Captain Campbell to be placed on the retired list of Officers disabled on active Service

and I am desired in reply to express Lord Bathurst's regret that he does not feel at liberty to recommend your Excellency's application in favour of Captain Campbell to the Lords Commissioners of the Admiralty, as Lord Bathurst understands they could not comply with such recommendation without abandoning the Regulations on this subject to which they have hitherto adhered. I have &c.

(Signed) R. W. HAY.

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[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, 3rd August 1826.

MY LORD,—In the despatch addressed to your Lordship by His Excellency Lord Charles Somerset under date 31st March 1825, No. 160, relative to the measures he had adopted for disposing of the late Somerset Farm and on other subjects connected with his tour thro' the Eastern Districts of this Colony, a statement was enclosed of the result, in point of receipt and expenditure, of the changes he had made during that tour, and one of the items of expenditure was a Pension of Rds. 1000 (£75) a year to Mr. Hart who had superintended the Somerset Farm for many years.

In the answer which your Lordship made to this dispatch, under date 20th August 1825, No. 183, the disposal of the Somerset Farm was approved of, but your Lordship did not notice the proposed Pension to the late Superintendent of that Farm.

I therefore take the liberty of requesting your Lordship's instructions on this point, as Mr. Hart has made application to Government on the subject of his pension. I have &c.

(Signed) RICHD. BOURKE.

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[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, *August 3rd 1826.*

MY LORD,—In my despatch of the 18th ultimo I had the honor to inform your Lordship that I had accepted the resignation of two of the members of the Burgher Senate. Before the vacancies occasioned by these resignations were filled up, a Memorial, of which the enclosed is a copy, praying that the Citizens and Freeholders might be allowed to elect the new members was presented to me and laid before Council. I transmit this Memorial as I believe it is the first that has been addressed to this Government in favour of a representative system, a disposition towards which has been imparted by the English settlers to the Dutch inhabitants of this Town and District, and is much encouraged by the public journals. Council declined making any change in the Constitution of the Burgher Senate, and I have filled up the vacancies by the appointment of Mr. Francis Collison and Mr. Hendrik de Jongh, senior. I had intimated to the Senate that in the list containing the names of four persons for each vacancy, which it is the practice to submit to the Governor from whence to select the new members, it would be proper to insert the names of some of the English now settled at the Cape. Mr. Collison is the first Englishman who has taken a seat at this Board.

The Commissioners of Inquiry will no doubt report to your Lordship upon the constitution, functions, and utility of this Municipal body. I shall only observe here that it has no charter, nor title to any by prescription, as its origin is recent. It is held in no sort of estimation by the English Inhabitants nor is it I believe at this time much valued by the Dutch. It has the administration of the town finances, which have not it is said been very prudently managed. I propose looking into the state of these accounts on the first opportunity.

I have &c.

(Signed) RICHD. BOURKE.

[Enclosure in the above.]

To His Honor Major-General Richard Bourke, C.B., Lieutenant Governor in Council at the Cape of Good Hope, &c., &c.

May it please Your Honor in Council, We the undersigned Citizens and Freeholders of Cape Town, having been informed that by resignation of the President and some members of the Burgher Senate all the seats except one have become vacant in said Burgher Senate, and considering that a public election of the Members of the Burgher Senate from amongst and by the Freeholders and Citizens of this Town would tend to constitute mutual confidence between the Burgher Senate and the Citizens, that it would, far more than any other means as yet resorted to, coöperate to amalgamate His Majesty's natural born subjects and the Cape inhabitants when both meeting as brothers of one community, and electing from amongst both, will have the same common interest and one common object in view, viz. the welfare of both.

And also considering that in all other Colonies under the dominion of Great Britain the inhabitants and citizens are duly represented by a body of men elected by the public, without any such body existing in this Colony.

We therefore humbly beg that it may please your Honor in Council to grant us and other Freeholders, Citizens of this Town, the privilege to appear on a certain requisition at the Town House, and there publicly to elect by majority of votes such person or persons, being Freeholders and Citizens, as we may think fit and qualified to be our representatives in the Town administration.

And Memorialists as in duty bound will ever pray, &c.

Cape Town, 15th July 1826.

Subscribed by 194 Dutch Inhabitants and 48 English do.

[Original.]

*Letter from W. M. G. COLEBROOKE, ESQRE., to EARL BATHURST.*

CAPE OF GOOD HOPE, *August 3rd 1826.*

MY LORD,—In my letter of yesterday I omitted to enclose the letters of Lord Hastings and of Sir Herbert Taylor, relative to my promotion. I take the liberty of now submitting them to your Lordship, and to mention on this occasion that I have not renewed my application either to the Duke of York or the Duke of Wellington. I have the honor to &c.

(Signed) WILLIAM M. G. COLEBROOKE.

[Enclosure 1 in the above.]

HORSE GUARDS, *25th July 1821.*

SIR,—Having laid your letter of the 13th Instant with its enclosures before the Commander in Chief, I am directed to express His Royal Highness's regret that he cannot comply with your request, particularly as he has again reverted to Lord Hastings' very strong recommendation in your favour, but he cannot admit your temporary appointment of Deputy Quarter-master General to the Force employed in the Persian Gulph to be such as would justify his recommending any officer for a step of rank. I have &c.

(Signed) H. TAYLOR.

Major Colebrooke, Royal Artillery.

P.S. 26th July. I have since received and submitted your additional note of yesterday, but His Royal Highness cannot alter his decision.

[Enclosure 2 in the above.]

CAMP BINDRABUND, *13th February 1815.*

SIR,—I have the honor to transmit the accompanying statement of the services of Captains Colebrooke and Byers of the Royal Artillery on the Island of Java, which I request you will be pleased to submit to the favourable consideration of His

Royal Highness the Commander in Chief, and to express my earnest hope that the distinguished services of those two officers may induce the Commander in Chief to recommend them to his Royal Highness the Prince Regent for the Rank of Major. I have &c.

(Signed) MOIRA.

Major-General Torrens.

[Enclosure 3 in the above.]

*Memorandum of CAPTAIN COLEBROOKE'S Services in Java.*

Employed with the Expedition against Java in 1811.

Landed with the advance of the Army on the 4th of August.

Employed in the Batteries under the command of Captain Napier, and wounded on the 22nd Instant in the attack made by the enemy on the British Batteries.

Engaged with the Division of the Army under Colonel Gibbs in the attack of the enemy's position on the heights of Serandole and Jultee allee on the 16th September 1811.

Employed with the Army in the reduction of the Fortress of Djokjokaeta in June 1812.

Staff. Appointed Military Secretary to Major General Gillespie in September 1812.

Acting Deputy Quarter Master General on Java June 1813.

A true copy.

(Signed) J. DOYLE, M.S.

[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, August 4th 1826.

MY LORD,—Having laid before Council Your Lordship's despatch of the 11th April last, No. 257, on the subject of licences to Publishers of periodical works, it was resolved to communicate the purport to Mr. John Fairbairn at whose instance the application was made to which Your Lordship's despatch was in reply.

Your Lordship's despatch having also defined the principle upon which it appears to be the intention of His Majesty's Government to regulate the conduct of the Press in this Colony, it became necessary to apply it to all publications ; and Mr. George Greig having on the 1st July last set up a second paper without applying for a licence, Council deemed it expedient to require him to apply, which he has this day done, stating that the second paper is to be published under the prospectus given in for the first.

At the same time Council thought it necessary, in accordance with the statement made by Mr. Wilmot Horton in his letter to Mr. Greig of the 7th March 1825, to warn Mr. Greig that he had lately gone much beyond the most liberal construction of the terms of his prospectus, and to inform him that if he persisted in this course he would become subject to the suspension of his licence. A copy of the Minute of Council and of Mr. Greig's prospectus is herewith enclosed, and that your Lordship may perceive that Council did not take this step upon light or insufficient grounds I take the liberty of forwarding some of the papers referred to. One or two of these journals had been brought under my notice at the time of publication ; but not feeling quite assured by any instructions on the head of the principle upon which your Lordship desired to regulate the Colonial Press, I did nothing more than direct His Majesty's Fiscal to look into the papers and to report to me whether he considered them to be libellous. The Fiscal stated at this time his opinion that the matter in the Journals of the 31st May and the 1st July were libellous, but he did not recommend a prosecution ; and some difficulty occurred in obtaining the necessary proof of publishing. The intention of prosecuting was therefore abandoned. I am free to confess I should have felt great diffidence in going into Court for reasons which are already known to your Lordship. But it would be most desirable for those who have to administer the Government of this Colony, that the Courts of Law were so constituted, and the Procurator Fiscal so well versed in English practice and Dutch law as to enable this Government to control the licentiousness of the Press by resorting to the Courts, rather than by an act of authority suppressing the publication altogether. Some efficient control over the Press here is without doubt

necessary. The Journals which are now published (three in the week) are filled with criticisms upon the actions and misrepresentations of the motives of His Majesty's Government as relates to the Colonies and of the Colonial administration. There are not here, as in England and other countries, papers attached to the Executive and written in its defence. The most mischievous misrepresentations therefore remain unanswered, and are submitted to the perusal and in many cases obtain the belief of those Persons in this limited community from whose good opinion and confidence Government would otherwise obtain a valuable support. To confine these Journalists to the precise terms of their prospectus would appear too severe a regulation, and to decide exactly how far they should be allowed to go requires the exercise of the soundest discretion. If I had the benefit of an English Lawyer with whom to consult in these cases, I should be inclined to lay it down as a rule not to interfere unless on the publication of matter so clearly libellous as to ensure the conviction of the Publisher in one of the English Courts if the offence had been committed in England. In such cases to withdraw the Printer's license would be no unjustifiable severity.

I have gone thus far with this subject feeling that in the present state of the Colony the discreet management of the public Press is no easy task, and in the hope that your Lordship will consider this exposition as an additional motive for sending out a Procurator Fiscal whose assistance is so much wanted in this Colony. I have &c.

[ (Signed) RICHD. BOURKE.

[Enclosure 1 in the above]

See Proceedings of the Council.

[Enclosure 2 in the above.]

By His Excellency the Right Honorable General Lord Charles Henry Somerset, &c. &c.

Licence is hereby granted to Mr. George Greig to print and publish a Weekly Journal entitled *The South African Commercial*

*Advertiser*, on condition of his binding himself to his Prospectus,  
a Copy of which is hereunto annexed.

Cape of Good Hope, 27th August 1825.

By His Excellency's Command.

(Signed) RICHARD PLASKET, Sec. to Government.

[Enclosure 3 in the above.]

See Mr. Greig's Prospectus, Vol. XVI, Page 470.

[Enclosure 4 in the above.]

I do hereby subscribe to the conditions of the above Prospectus, and bind myself to adhere to them.

27th August 1825.

(Signed) GEORGE GREIG.

[Enclosure 5 in the above.]

A number of copies of the *South African Commercial Advertiser*.

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[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, August 4<sup>th</sup> 1826.

MY LORD,—I have the honor to inform your Lordship that the inhabitants of a part of the Cape District called Tygerberg have under permission granted to them by Lord C. Somerset erected by voluntary contribution a church at that place ; and the building being now completed and about to be consecrated, they have made application to me to appoint a person to perform the duties of Church Clerk and Schoolmaster with a salary of £30 per annum to issue from the Colonial Treasury. I should observe that there is no clergyman as yet appointed, nor any fund provided for his support ; but in the Dutch Church the clerk can perform a certain part of the service alone.

A similar application from the village of Worcester has been forwarded to me. There a church with a resident clergyman has been for some time established. There is a clerk, but no schoolmaster, the actual clerk not being equal to the duty of the latter. It is proposed to appoint a qualified person to fill both situations with a salary of £30 per annum, and a house. The latter is already built and occupied by the clerk.

I have also had a very pressing application from the inhabitants of the Sub-Drostdy of Clanwilliam, where there is a building formerly used as a Church, but no clergyman or clerk, and the means of instruction are out of the reach of the people. As this is a very remote place, but with an increasing population, I would recommend the appointment of a respectable schoolmaster with a salary equal to that allowed to the second class of schoolmasters brought out from England, namely £65 if single or £80 if a married person, with a house.

By a late application from the Resident at Port Elizabeth I am informed that a promise was made by the Colonial Government to appoint a schoolmaster at that place on the erection of a sufficient School House. This has been done by the inhabitants of the Residency, and I am requested to appoint a Master, for whom I would recommend the salary of the second class of teachers as already mentioned. Port Elizabeth is now rather a considerable place, and in my opinion more likely to increase in size and population than any other town in this Colony. It has an English Church with a Clergyman and Clerk.

However anxious I may be to avoid all increase of expenditure at this time, I am bound to recommend these appointments for your Lordship's approval, considering that the portion of revenue they will absorb will be well employed in promoting the moral and religious instruction of the people.

I have &c.

(Signed) RICHD. BOURKE.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.*

DOWNING STREET, 4th August 1826.

MY DEAR LORD,—Will your Lordship have the goodness to favor me with your opinion of the enclosed drawing which as it is intended for the great Seal of your Lordship's Government it might be injudicious to display unless it were sufficiently correct. I have &c.

(Signed)      R. W. HAY.

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[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, 5th August 1826.

MY LORD,—Mr. Schutte, a builder in this Town, having in the year 1822 entered into a contract with the Colonial Government for erecting a Custom House at Port Elizabeth, (Algoa Bay), for the sum of 34,500 rixdollars, received orders subsequently to change the site of the building, and to erect it, under the same terms and conditions of the contract, at Port Frances, instead of Port Elizabeth. Mr. Schutte stated to Government at the time of this new order, that the alteration might entail upon him further expense, and although the local Government did not conceive that much additional charge could be incurred by the projected alteration of the site, it admitted Mr. Schutte's claim for any extra expenses bona fide incident to the change of site, on his producing a certificate thereof under the hand of the local authority.

It appears that the building went on without any remark whatever, at least none on record, made by Mr. Schutte to Government or to the local authorities, of any extra expenses caused in its progress, but when the work was completed an account was sent in by Mr. Schutte for Rixdollars 17,157, arising as he stated entirely from the circumstances of the change of place.

The Landdrost of Albany and the Resident Engineer Officer

in that District were instructed to examine the local situations of the two respective sites, and on their report having been received, two Arbitrators were appointed in Cape Town, one by Government, Lieutenant Alexander, R.E., the other by Mr. Schutte, Mr. Murphy, whose decision has been submitted to this Government, and is in favor of Mr. Schutte's claim.

As I do not however feel myself warranted in authorising the payment of the sum awarded by arbitration, without your Lordship's previous sanction, I am under the necessity of troubling you with copies of all the documents which have passed on the subject, that your Lordship may be enabled to decide on the merits of the claim.

I shall only observe that, altho' I have little doubt the extra expenses were incurred by Mr. Schutte, who is a very respectable man, yet he has been guilty of great and unpardonable neglect in not reporting officially to Government, or to the local authorities on the spot, the nature and extent of the extra charges, as they became necessary, and as the expense was incurred, more particularly as he was expressly called upon by Colonel Bird's letter of 17th April 1823 to furnish a certificate signed by the local authority in case of any extra expense being requisite; however under the circumstances of the case, and more particularly as the matter has been left to arbitration, I would recommend to your Lordship to sanction the payment of the award. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure 1 in the above.]

CAPE TOWN, 1st June 1826.

SIR,—Pursuant to your letter of the 20th March last, we, the undersigned nominated as arbitrators between the Colonial Government and Mr. H. Schutte, to decide on the claim of an additional charge of 17,157 Rixdollars made by the latter in consequence of the removal of the site of the Custom House and store, originally intended to have been erected at Algoa Bay, to the mouth of the Kowie River, have the honor to state that we have minutely and impartially investigated into the merits of the case submitted for our consideration, and having called for and obtained every possible information which could

guide our judgment, we are of opinion that the whole of the items forming the extra charge, with the exception of the latter part of No. 8 of rixdollars 229 4 for an additional quantity of lime and shells, and of No. 9 for rixdollars 600 for the expenses of the return journey of the contractor and his workmen (150 rixdollars of which we only allow, to place the contractor in the same situation as he would have been on the completion of the work at Algoa Bay) have been fairly incurred in consequence of the removal of the site, and we do therefore award the balance remaining after these deductions, being Rixdollars 16,477 4, to Mr. Schutte.

In further explanation of this our decision, we beg leave to say that we have rejected the items for extra lime and shells as totally inadmissible, having been caused by adventitious circumstances which were just as likely to occur at one place as the other, and although we have deducted rixdollars 450 from the charge of rixdollars 600 for waggon hire &c. because, strictly speaking, we do not consider the contractor *legally* entitled to claim it, he having neglected to make any stipulation that he and his people should be brought back to Town at the expense of Government, yet we feel it our duty to state that on inquiry we have found such to be customary in similar cases.

We have &c.

(Signed)      HENRY MURPHY,  
                  M. C. ALEXANDER,  
                  Lieut. Royal Engineers.

The Hon. Sir Richard Plasket, Kt.

[Enclosure 2 in the above.]

CAPE TOWN, 11th February 1822.

SIR,—Having calculated upon the plan and particulars to build a Store at Algoa Bay, but as I am not acquainted with the distance between the two spots where the stones and clay are to be got, and where the building is to be erected.

I therefore calculate on the supposition of half a mile distance between them, and that good ground may be found for a foundation of  $4\frac{1}{2}$  feet broad by 4 feet deep, and that as to all

the farther dimensions and proportions as stated in the particulars, for which the requisite materials and labour will be provided by the Contractor, for the sum of 34,500 rixdollars exclusive of 800 half aums of lime, and 50 half aums of shells, also the shipping and landing such materials as the Contractor is obliged to purchase in Cape Town, of which the expence for shipping and landing such materials will be on account of the Government.

Should this calculation meet with the approbation of Government, I shall wait for their final determination. I have &c.

(Signed) H. SCHUTTE.

Lieutenant-Colonel Bird.

[Enclosure 3 in the above.]

CAPE TOWN, 25th February 1822.

Estimate of Materials and labour that will attend to build a store, with a dwelling house annexed to it, at Algoa Bay, according to the accompanying plan, and to be built of the following quality of materials and proportions.

The foundation to be of the depth and breadth suitable to the nature of the ground and stability of the Building.

The ground floor is to be raised 2 feet above the level of the highest part of the ground.

The walls to be built  $2\frac{1}{2}$  feet thick and 10 feet high under the beams, and above the beams the walls to be raised 2 feet high, and built of such stones as are proper for building, no round stones shall be used. All the walls to be built in good clay, and plastered with lime inside and outside, the ground floor to be made of  $1\frac{1}{2}$  inch yellow wood boards, and the joists 4 by 6 inches of oak, the beams under the roof to be of yellow wood 12 by 6 inches thick and to lay 2 feet on the wall, each end to be connected with the roof and placed  $2\frac{1}{2}$  feet from centre to centre, the floor to be of the same kind of wood  $1\frac{1}{2}$  inch thick and made fire proof. (Brandzolder.)

The door and window frames to be of yellow wood.

The doors, window shutters and sashes to be of good Norway and Baltic deal, the doors and windows of the store to be well secured with iron gratings of  $\frac{3}{4}$  inch bar, and 4 inches of space between, also strong hinges, bolts, locks and crossbars.

The doors and sash windows of dwelling house to be of the same kind of wood as the store, well made and fitted with glass, and shutters complete.

The roof is to be thatched and made strong in the same manner as is usual in this Colony.

Strong iron anchors to be at the end of every second beam, and at the angles and gable ends, all outside wood-work exposed to the weather is to be painted three times with oil colour, the whole building shall be finished in a workmanlike manner, of the aforementioned articles, for the sum of thirty four thousand five hundred rixdollars, exclusive of 800 half aums of lime and 50 half aums of shells, also the shipping and landing such materials as the Contractor is obliged to purchase in Cape Town, of which the expence for shipping and landing such materials will be on account of the Government.

(Signed) H. SCHUTTE.

[Enclosure 4 in the above.]

COLONIAL OFFICE, 27th February 1822.

SIR,—His Excellency the Governor having had before him your estimate and plan for building a store, with a dwelling attached to it, at Port Elizabeth for rixdollars 34,500, the Government supplying 800 half aums of lime and 50 half aums of shells, and bearing the shipping and landing expences of such materials as you will be obliged to purchase in Cape Town, has directed me to signify to you his approval thereof, and to desire that you will proceed herein forthwith, reporting to this Office when the stores will be ready for shipment. I am &c.

(Signed) C. BIRD.

Mr. H. Schutte.

[Enclosure 5 in the above.]

COLONIAL OFFICE, 4th April 1823.

SIR,—As circumstances have hitherto prevented any progress being made in the house and store contracted to be erected at Algoa Bay, it seems to His Excellency the Governor that it can make no difference to you or in the expence which is to be incurred, if instead of building it as proposed at Algoa Bay, a

store and house upon a similar plan were erected at the Kowie River, where it is deemed expedient to place such building without loss of time ; you will be pleased therefore to consider this subject and to give me your sentiments thereon, stating what objections, if any occur to you on this subject, so that the earliest arrangements may be made for carrying this plan into execution. I am &c.

(Signed) C. BIRD.

Mr. Schutte.

[Enclosure 6 in the above.]

CAPE TOWN, 10th April 1823.

SIR,—In compliance with your letter of the 4th Instant, I have lost no time in making every possible enquiry to enable me to give a satisfactory answer to His Excellency the Governor on the subject of erecting a store and dwelling house at the Kowie, instead of at Algoa Bay, as at first suggested and approved of by your letter of the 27th February last, but the result of my endeavours has been so vague and uncertain that it is totally out of my power to form any exact calculation of the difference of expence which may be caused by a deviation from the original plan. All the information I can obtain is that there is stone, but of what description I cannot learn, nor whether there be any clay adapted for building or making bricks, neither is there any habitation for the workmen nor storage for the materials. I can therefore only propose that all additional expence which may be incurred, in consequence of these circumstances, over and above the first estimate, shall be borne by Government, namely the bringing to the Kowie all such materials as are not to be procured there, together with the timber consisting in about 60 tons of beams 21, 22, and 28 feet long, now lying at Algoa Bay, and where there is likewise a considerable quantity of stones already quarried.

Should His Excellency be pleased to accede to this arrangement, no exertions shall be wanting on my part for the completion of the building with every possible despatch.

I am &c.

(Signed) H. SCHUTTE.

Lieutenant-Colonel Bird.

[Enclosure 7 in the above.]

COLONIAL OFFICE, 17th April 1823.

SIR,—In reply to your letter of the 10th Instant, communicating your sentiments on the subject of building a house and store at the Kowie River instead of at Algoa Bay as at first proposed, I am directed to acquaint you that His Excellency the Governor undertook to land at Algoa Bay such materials as should be required for the store intended to be built there ; if His Excellency lands at the Kowie the same materials you will be in precisely the same situation at one place as at the other ; but His Excellency notwithstanding this view will not object to paying you any extra charge which you may fairly bring forward as expence which you would not have incurred at the spot where it was first intended the Contract should have been executed. His Excellency will however require a certificate from the local magistrate that such expence was necessarily incurred, and that the change of circumstances made the difference indispensable. I am &c.

(Signed) C. BIRD.

Mr. H. Schutte.

[Enclosure 8 in the above.]

KOWIE, 24th November 1823. ]

SIR,—I beg leave to transmit you a report of our progress which I beg you will be pleased to lay before His Excellency the Governor.

The 20th of August, when I arrived here, I enquired for materials and found stone and clay, but water was difficult to obtain, which however I at last discovered on the beach a quarter of a mile distant from the store, and for which I have sunk, but as the wind fills it up with sand I was obliged to build it up with a cover of which the whole expence is rixdollars 230 ; and now we have plenty of water, lime is to be got here, as also wood, but not seasoned ; I therefore beg it may please

His Excellency to have the wood shipped from Algoa Bay, which lies in care of Captain Evatt, viz. :—

32	beams	of 21	feet long	12 by 12	inches thick
48	"	20	"	" "	"
28	"	20	"	9 by 7	"
10	"	28	"	12 by 8	"

and further beg that the *Locust* may bring more provision, which I will direct my Agent to have prepared. I have &c.

(Signed) H. SCHUTTE.

Lieutenant-Colonel Bird.

This was authorised.

[Enclosure 9 in the above.]

COLONIAL OFFICE, 20th February 1824.

SIR,—It appearing by a communication received from Mr. Saunders commanding the *Locust*, that on his application at Algoa Bay for the timber required at the Kowie, eight pieces were discovered to be wanting, and that seven pieces were subsequently washed off the beach, I am directed by His Excellency the Governor to inform you, that Captain Evatt has been written to on the subject of the eight pieces missing, in order to his explaining to whose neglect the loss is owing, but you must nevertheless supply the deficiency on the spot.

I am &c.

(Signed) P. G. BRINK.

Mr. H. Schutte.

[Enclosure 10 in the above.]

COLONIAL OFFICE, 19th March 1824.

SIR,—Referring to my letter of the 20th ultimo, I am directed by His Excellency the Governor to transmit to you the enclosed copy of a communication received from the Commandant at Port Elizabeth, stating that the eight beams which were deficient

have been recovered, and that they will be sent to you per *Locust* next trip. I am &c.

(Signed) P. G. BRINK.

Mr. H. Schutte.

[Enclosure 11 in the above.]

CAPETOWN, 4th May 1824.

MY LORD,—I am under the necessity as Contractor for the buildings now erecting at the Kowie, of laying before Your Excellency the following statement of the unforeseen delays which have attended the execution of the work, and through which I am involved in much pecuniary distress.

When I entered on the original Contract for the building at Algoa Bay, where I could have commenced immediately, I reckoned on its being completed within six months, at the expiration of which period I agreed to pay the workmen and for the materials supplied, but the alteration of the location has entirely frustrated this calculation. In the first place I was delayed from the 16th July last to the 27th October, waiting for the mechanics and tools which were on board the *Locust*, she not having arrived at the Kowie till the latter date, from which to the 10th November was occupied in landing the men and receiving the necessaries ; another obstacle, causing a further unavoidable delay, that presented itself, I had to cut down great numbers of trees and bushes, to make roads, and considerable excavations at the foot of the mountain in order to clear away and regulate the ground for the building, all of which, notwithstanding the most indefatigable labor was not effected till the 19th February last, when only I was enabled to commence laying the foundation, so that the stipulated time of payment having long since elapsed, I am now pressed as well for the workmen's wages which must be paid from the 16th July last, as for the materials which I purchased, and attacked and threatened with prosecution on all sides, in such manner that I have been compelled to hurry up to town and address myself to your Excellency as my only resource for relief ; the extra expences also which your Excellency was pleased by letter from the Colonial Office of the 17th April 1823 to say should be made good on being duly verified by the local magis-

trate have been considerable, and will still continue necessary, in consequence of the distance and heavy sandy roads, from and along which the stones and similar materials must be brought and conveyed. All these circumstances joined to the heavy losses I have lately sustained in my contracts and especially by that for building the lighthouse through the severity of the winter of 1822, in which regard I shall hereafter be under the necessity of again addressing your Excellency, have rendered my present situation more embarrassed than it was ever before at any period since I commenced business in this Colony. I therefore most respectfully take the liberty to solicit your Excellency's kind consideration of my case, and that your Excellency will be graciously pleased to grant me an advance of twenty two thousand rixdollars on account of my Contract for the buildings at the Kowie, which shall in course be duly accounted for when the time is completed, by which indulgence I shall be enabled to satisfy my creditors and return without delay to the work, which naturally requires my presence.

I trust your Excellency's indulgence which I have experienced on so many occasions will pardon the liberty I have taken in occupying so much of your Excellency's time, and remain &c.

(Signed) H. SCHUTTE.

His Excellency the Right Honorable  
General Lord Charles Somerset.

[Enclosure 12 in the above.]

KOWIE, 13th December 1824.

SIR,—I have the honor to report to you for the information of His Excellency the Governor that the Custom House and Store at this Port with the building of which I have been entrusted will be completed by the last of this month.

I beg to be informed to whom I am to deliver up the keys of this building.

In the event of His Excellency the Governor being desirous of having any other public works carried on for the improvement of this place I shall be very proud to receive any further

commands which His Excellency might think proper to honor me with to that effect.

Should His Excellency have no further occasion for my services on this frontier I take the liberty of requesting that you will have the goodness to beg that His Excellency may be pleased to direct that conveyance back to Cape Town from hence may be provided for myself and mechanics.

I have further to add that I have this day made a similar report to the Landdrost of this District on the subject of the completion of this building. I have &c.

(Signed) H. SCHUTTE.

P. G. Brink, Esqre.

[Enclosure 13 in the above.]

COLONIAL OFFICE, 31<sup>st</sup> December 1824.

SIR,—With reference to the letter which you addressed to the Assistant Colonial Secretary on the 13th Instant, I am directed by His Excellency the Governor to inform you that when the Custom House and Stores now building at the Kowie are finished the Landdrost of Albany has been instructed to take the same over on the part of Government, if approved after previous survey of the buildings by competent persons.

With regard to the return to Cape Town of yourself and mechanics, His Excellency desires me to say that the Government can be at no expense, it not having been stipulated that a passage should be found for you to this place on undertaking the work. I am &c.

(Signed) RICHD. PLASKET,  
Secretary to Government.

Mr. H. Schutte.

[Enclosure 14 in the above.]

*Extracts of a letter from H. SCHUTTE, dated*

CAPE Town, 28<sup>th</sup> April 1825.

SIR,—As contractor for erecting the stores and Custom House lately completed at Port Frances, I beg leave to request you will have the goodness to lay before His Excellency the

Governor the enclosed account of the expence for that building, amounting to Rixdollars 51,657, being considerably more than the estimate for building at Algoa Bay.

In a letter which I took the liberty to address to His Excellency on the 4th May last I stated many of the obstacles and the consequent delays I met with in the progress of the work, through which great additional and unavoidable expence was incurred, which would not have been the case had the first plan been adhered to.

In confirmation of those facts, I beg leave to annex a certificate from Captain Hope the acting Landdrost, His Excellency having been pleased by letter from the Colonial Office dated 17th April 1823 to say that no objection to any fair charge in consequence of the alteration of the original intention would be made if properly certified. Besides the impediments mentioned in my letter of the 4th May and certified by Captain Hope, I have had several other difficulties to encounter, all leading either directly to additional expence, or causing it through delay. In making the first estimate I never could have calculated on workmen's wages from the 16th July 1823, the day the *Locust* sailed from this, to the 3rd March last, besides passage money. In the original plan also the foundation was stated at  $4\frac{1}{2}$  feet, but I have been obliged on account of the sandy ground at Port Frances not only to sink it considerably deeper, in some places even eleven feet, but also to lay a foundation of timber below the stone one. The extraordinary bad weather and continued storm of winds and rain likewise greatly protracted the work, and through which three of the men fell from the roof, two of whom were unable to work for a length of time and the third killed; the latter being a slave occasions me a loss of upwards of Rixdollars 3,000.

All the abovementioned circumstances could not fail to cause a considerable augmentation both of wages and materials, which were naturally neither calculated on nor necessary at Algoa Bay; and it affords me no small degree of confidence that His Excellency, as well as yourself, have seen the situation at Port Frances, and therefore can easily judge that not only the building but the requisite preparations previously to its commencement must have cost a much larger sum than was or could be specified in the first estimate; wherefore I trust

His Excellency will be pleased to issue the necessary authority for the passing of this account.

[Enclosure 15 in the above.]

GRAHAM'S TOWN, 18th January 1825.

We the undersigned do hereby certify that we have inspected the Custom House erected at the Kowie Mouth and consider that it is finished in a good and workmanlike manner and agreeably to plan.

(Signed)      J. W. PETTINGAL, R.E.  
                  JAMES McLAREN, Sergt. Major  
                  R.E. Department.

The following was added at the request of Mr. Schutte :

This is to certify that preparatory to commencing building the Custom House Mr. Schutte was under the necessity of cutting away and levelling the hill in order to make room for the site of the building, of cutting and making a road through the bush to and from the beach for the purpose of conveying the materials to the building, and of making and covering a well on the beach at a considerable distance from the site of the building.

I also certify that the materials for this building have been brought from a very considerable distance and that there has been much difficulty and delay in procuring the great quantity of thatch required for so extensive a building.

(Signed)      F. HOPE, Acting Landdrost.

[Enclosure 16 in the above.]

COLONIAL OFFICE, 18th May 1825.

SIR,—I am directed by His Excellency the Governor to acknowledge the receipt of your letter dated the 28th ultimo submitting your claim against the Colonial Government for building the Custom House and stores at the Kowie, amounting to the sum of fifty one thousand six hundred and fifty seven Rixdollars.

His Excellency has considered attentively the grounds upon which you found your right to the extra charge beyond that stipulated by contract for completing the buildings at the Kowie, but he does not consider that you have properly interpreted the meaning of the communication made to you on the 17th April 1823. It is there stated explicitly that His Excellency would allow such difference of expence as would not have been incurred at Algoa Bay, the spot where it was first intended the contract should have been executed. His Excellency is willing to admit that the change of circumstances might have rendered necessary some additional expense in the preparation of the site, but you can have no possible claim to indemnification for losses stated to have been suffered by you through adventitious occurrences. I am therefore to add that His Excellency can only allow payment to be made for the amount of the contract, viz. rixdollars 34,500 exclusive of 800 half aums of lime and 50 half aums of shell, the Government bearing also the shipping and landing expenses of such materials as you have been obliged to convey to the Kowie, together with any further expense that accrued to you from the change of place, if certified by the Local Magistrate. I have &c.

(Signed) RICHARD PLASKET,  
Secretary to Government.

Mr. H. Schutte.

[Enclosure 17 in the above.]

CAPE Town, 18 June 1825.

SIR,—I beg leave to acknowledge the receipt of your letter dated the 18th ultimo in answer to mine of the 28th April last, in which I submitted my claim against the Colonial Government, for building the Custom House and Stores at the Kowie.

I most respectfully take the liberty to state that His Excellency appears to me to have misunderstood the tenor of my former letter on this subject when he says that I have not properly interpreted the meaning of the communication made to me on the 17th April 1823, in which it is explicitly stated that His Excellency would allow such difference of expense as

would not have been incurred at Algoa Bay where it was first intended the contract should have been executed. For it was this *very change of place* on which I ground my claim, and not the losses I have suffered through adventitious occurrences, which I merely alleged to show His Excellency that even on payment of my account I should still be far from having that fair profit which every tradesman naturally looks forward to. In order to place this in a clearer light I take the liberty to annex a specific statement of the several additional expenses which have been caused solely by the change of place and not by any other circumstance, and which form the basis of my account, all of which in so far as they do not speak for themselves are I trust sufficiently attested by the certificate the local magistrate has already sent in to the Colonial Office, and of which a copy was annexed to my former letter.

I am further sorry to perceive by your letter that His Excellency seems to have totally overlooked my claim on the lighthouse. In this respect it is nearly the same as with the buildings at the Kowie. The additional charge is chiefly grounded on the *change of plan* and not on the losses I suffered through unforeseen accidents. But as I am not in possession of any written documents to prove this point of my claim, (no correspondence having taken place between the Colonial Office and myself on the subject), I must beg leave to refer to the late Colonial Secretary to certify as to this fact. I hope and I trust when His Excellency shall have examined and maturely deliberated on the annexed statement in connection with all the circumstances I have already submitted to his consideration that His Excellency will feel the justice and equity of my claims, and that he will be pleased to order my account for the Custom House and Stores to be passed, and likewise allow my additional claim for building the lighthouse, in so far at least as has been occasioned by the deviation from the original plan according to which the contract was entered into.

I have &c,

(Signed) H. SCHUTTE.

Sir Richard Plasket, Kt.

[Enclosure 18 in the above.]

COLONIAL OFFICE, 5th July 1825.

SIR,—With reference to the Assistant Colonial Secretary's letter to you of the 6th May 1824, transmitting copy of a letter from Mr. H. Schutte stating that he is involved in much pecuniary distress from circumstances which have conspired to retard the execution of the work he undertook at the Kowie, and praying for an advance of rixdollars 22,000 on account of his contract, with the view that you would be pleased to direct Mr. Hope to make a report of the actual state of the building at the Kowie, I am instructed by His Excellency the Governor to desire that you will inform me whether such report has ever been transmitted to you. I have &c.

(Signed) RICHARD PLASKET, Secretary to Government.

H. Rivers, Esqre.

[Enclosure 19 in the above.]

SWELLENDAM, 19th July 1825.

SIR,—I have the honor to acknowledge the receipt of your letter of the 5th instant relative to the application of Mr. H. Schutte for an advance of twenty-two thousand rixdollars on account of his contract for the building at the Kowie, and to state, for the information of His Excellency the Governor, that I do not recollect whether the required report on the actual state of the building was ever made, but I have no doubt that if I received it, I transmitted it to Government. I have &c.

(Signed) HARRY RIVERS.

Sir R. Plasket.

[Enclosure 20 in the above.]

COLONIAL OFFICE, 12 July 1825.

SIR,—I am directed by His Excellency the Governor to transmit to you copies and extracts of a correspondence which has taken place between this Government and Mr. Schutte,

relative to his engagement to build a house and store at Algoa Bay, and which were subsequently ordered to be erected at the Kowie.

From these documents you will perceive that the estimate of the original buildings at Algoa Bay was 34,500 rixdollars, the Government agreeing to furnish 800 half aums of lime and 50 half aums of shells and to transport all the materials required (for the buildings) from Cape Town to the spot, and that when the place was altered the Government pledged itself to pay Mr. Schutte any additional expense which might arise *bona fide* from the change in the place at which the buildings were to be erected.

Mr. Schutte has consequently sent in a statement of these additional expenses, amounting to Rixdollars 17,157, and although His Excellency still considers himself pledged to allow any fair charges which may have been incurred as aforesaid from the difference of the site or nature of the foundation at the Kowie, in comparison with the site and foundation of the spot originally proposed for the erection of these buildings at Algoa Bay, yet he cannot feel himself authorised to pass the apparently exorbitant charges now brought forward by Mr. Schutte, and unsupported by any certificate or document taken at the time the buildings were commenced, in proof of the fact which he now adduces as having caused the additional expenses. This neglect on the part of Mr. Schutte, and for which he alone must be responsible, has forced His Excellency to the necessity of ordering an inspection to be made of the nature of the ground and of the foundation on both of the spots in question, and he has therefore desired me to request that you will with the assistance of an Engineer Officer, or some other competent person, visit the proposed site of the buildings at Algoa Bay and that of the actual building at the Kowie, and that you will endeavour by ocular demonstration, and by any information you may be able to obtain on the spot, to judge of the propriety of Mr. Schutte's charges and to report thereon to Government. I have &c.

(Signed) RICHARD PLASKET.

The Landdrost of Albany.

[Enclosure 21 in the above.]

[ GRAHAM'S TOWN, 13th December 1825.]

SIR,—With reference to your letter of the 12th of July last, whereby I am directed to report my opinion, and that of an Engineer Officer or other competent person, upon the propriety of the charge of Mr. Schutte for the sum of seventeen thousand one hundred and fifty seven Rixdollars, brought forward by him against the Colonial Government, on account of his greater labour and expense in building the custom house at Port Frances than would have been incurred at Port Elizabeth where he had estimated for its construction for the sum of thirty four thousand five hundred Rixdollars, I have the honor to state that in conformity with the directions contained therein, I, accompanied by Lieutenant Pettingal, of the Engineers, have examined the two sites, and the results of our enquiry I have the honor herewith to submit for the information of His Excellency the Governor. I have &c.

(Signed)      W. B. DUNDAS, Landdrost.

Sir Richard Plasket.

[Enclosure 22 in the above.]

*Report of the Landdrost of Albany and the Officer of Engineers on the Frontier on a charge of the sum of seventeen thousand one hundred and fifty-seven rixdollars for excess of labour and expense incurred in the construction of the Custom House at Port Frances over the estimated expense for erecting the same building at Port Elizabeth, where it was originally intended to have been constructed at an expense to the Colonial Government of thirty four thousand five hundred rixdollars.*

On the examination of the site whereon the Custom House was originally intended to have been built at Port Elizabeth, we, the undersigned, find that the foundation would have been there formed without any difficulty, the ground being a hard red loam and the surface level, and would only have required an excavation of about three feet for its stable construction.

At Port Frances the situation of the building, as at present

erected, involved a much greater expenditure, as there the contractor had to level sufficient space for the building by cutting down a sand bank of from 6 to 18 feet, in some places, in height, to form a foundation in the sand by deep excavation, and laying therein hard wood logs, cut from the adjacent woods.

Previous to building, it was necessary to cut a road through thick bush of about four hundred yards in length to procure access to clay for building, and to erect huts for the accommodation of the workmen employed.

Stone is more difficult to be procured at the Kowie Mouth than at Port Elizabeth, but the difference is not represented as being very great. Lime is cheaper than at Port Elizabeth, and timber is about the same price.

It has been already shewn that the clay at Port Frances required much labour to obtain, whereas at Port Elizabeth it would have been taken from the foundation.

It appears that previous to the alteration of the site for the building considerable expense had already been incurred by Mr. Schutte ; many of the materials had been collected at Port Elizabeth, and eight or ten men had there been employed in quarrying stone for six or eight weeks, the labour of whom was entirely thrown away, as no use was ever made of the stones quarried, and that some few beams which could not be removed remained at Port Elizabeth until they became unserviceable.

Having given a comparative view of the advantages and disadvantages of the two situations for building, we have now to state that in our opinion the following causes must have materially increased the expenditure of the contractor in the construction of the building.

The loss of time to himself and workmen by the change of site.

The loss of labour of eight or ten men in quarrying for nearly six weeks.

The loss of several beams which could not be removed in the Locust.

The greater labour and expense in forming the foundation.

The greater difficulty in procuring stone at Port Frances.

The expense of forming a road to the beach for the conveyance of materials.

The formation of a well for the supply of water for the purposes of building, and the labour of carrying the supply.

The greater expense of clay.

The expense incurred in erecting a house for the workmen employed has been defrayed by the subsequent purchase of it by the Government, it cannot therefore be entered as a charge.

Having given a comparison of the advantages and disadvantages of building at the two places, and having detailed the causes which must of necessity have increased the expenditure beyond the sum contracted for, it remains only to be observed that it is impossible for us to determine, with the means of information we have had access to, the amount of remuneration which should in justice be given to Mr. Schutte.

We conceive however a detailed account of the additional work and expenditure should be submitted to the arbitration of two individuals, who would decide on the justice or exorbitancy of the claim.

Grahams Town, 13th December 1825.

(Signed)            W. B. DUNDAS, Landdrost of Albany.  
                          J. H. PETTINGAL.

[Enclosure 23 in the above.]

COLONIAL OFFICE, 29th December 1825.

SIR,—His Excellency the Governor having referred to the Landdrost of Albany and Lieutenant Pettingal the propriety of the extra charge made by you beyond the amount of the contract you entered into with Government on account of additional expenses incurred in consequence of the removal to the Kowie of the site on which it was originally proposed to erect the Custom House at Port Elizabeth, and those gentlemen having suggested that the matter should be submitted to arbitration, I am directed to acquaint you that he approves of two individuals being appointed to decide on the justice or exorbitancy of the claim set up by you for the additional expenses stated to have been incurred. His Excellency has therefore nominated Mr. Hope on the part of Government, and His Excellency leaves it to you to name a person on your

part, the two arbitrators thus appointed will have the power of choosing a third in the event of their disagreement upon the point submitted. I have &c.

(Signed) RICHARD PLASKET, Secretary to Government.

Mr. H. Schutte.

[Enclosure 24 in the above.]

CAPE TOWN, 4 February 1826.

SIR,—I should, as in duty bound, have replied to your letter of the 29th December last signifying His Excellency the Governor's approval of my claim on account of the Custom House erected at the Kowie being submitted to arbitration, but had great difficulty to find any person whom I considered sufficiently qualified for the task. I have however prevailed on Mr. Murphy to undertake the business, and therefore beg leave for His Excellency's information to name that gentleman as arbitrator on my part. I have &c.

(Signed) H. SCHUTTE.

The Hon. Sir R. Plasket.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to LIEUTENANT T. C. WHITE.*

DOWNING STREET, 5th August 1826.

SIR,—Earl Bathurst having had under his consideration various Reports upon the subject of your claim to an extension of the land which was originally granted to you at the Cape of Good Hope, I have received his Lordship's directions to acquaint you that it appears to him that such claim was not admitted because the land which you already possessed had not been cultivated ; and as there was only one Person on your location, and you did not give any assurance or hold out any expectation that you had any additional labourers to place there, his Lordship is of opinion that under such circumstances you were not entitled to an extension of land ; nor does His Lordship

see how the grant of the Land which has already been assigned to you can be confirmed, unless it shall appear that you have complied with the conditions upon which you were permitted to occupy it. I am &c.

(Signed) R. W. HAY.

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[Original.]

*Memorial of Mr. WILLIAM HENRY LYS.*

To the Right Honorable Lord Bathurst.

The Memorial of William Henry Lys, Surgeon to His Majesty's Forces, on half pay, humbly sheweth

That your Memorialist has held civil situations under His Majesty's Government at the Cape of Good Hope, since April 1811, the salaries of which have amounted to four thousand rixdollars a year, equal to £300 sterling.

That your Memorialist after the above services humbly trusts your Lordship, in consideration thereof, will be pleased to grant him a pension of one thousand rixdollars, or £75 sterling, per annum for life (your Memorialist being nearly fifty years of age), or such equivalent as in your Lordship's Estimation may be deemed adequate to those services.

And your Memorialist as in duty bound will ever pray.

(Signed) W. H. LYS.

CAPE Town, 5th August 1826.

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[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE Town, August 6th 1826.

MY LORD,—I have the honor to acknowledge the receipt of Your Lordship's despatch of the 5th March last addressed to Lord C. Somerset upon the subject of the Government Farms. Your Lordship I believe is aware that the Somerset Farm has been divided and sold or let; but no measures have been taken for the disposal by sale or otherwise of those of Groote Post,

Buck Bay, or Camp's Bay. I have therefore conformably to Your Lordship's directions to state my opinion as to the most convenient way of disposing of this property. Under the general appellation of *Groote Post Farm* are comprised six separate places containing together 24,024 English acres. These farms are judiciously laid out, each having a good supply of water and well defined boundaries. There is however but one House with Offices on the whole. As the Lords Commissioners of the Treasury propose letting for twenty years, it will be advisable to put up these farms separately to auction. After each farm has been bid for separately, it is usual to put up two or three together to try whether a higher rent can be obtained by letting in lots than by a separate letting of each Farm. In whichever way the bidding may terminate, the Lessee is required to give good security for the payment of the reserved rent. This is a common mode of auction in this country, and it is probable that two or three of the best of these farms will produce large rents. I am informed that they would be most advantageously disposed of by offering them for sale in the month of October with the standing crops. As I cannot have your Lordship's authority at that time it will be necessary to keep up the establishment on the land until the harvest is brought in.

That Your Lordship may perceive these farms have not been kept exclusively for shooting over I enclose the last Return of the Overseer, in which is to be found an account of some valuable improved Stock. I think there was an original error in placing this experimental farm so far from Cape Town. It should have been in the way of every farmer coming in to Market that an easy opportunity might have been afforded him of seeing the best stock, best implements and system of agriculture, and of purchasing what he might fancy. In this way an experimental farm of much less extent than Groote Post would have been of real value to the Colony. I shall avail myself of any opportunity that may offer for getting some of the Stock and particularly Sheep sent into the Interior for the improvement of the Breed.

The Farm of Buckbay has never been measured. It has served to depasture a few Sheep and Cattle kept for the maintenance of the Convicts whose labor has been applied to the

collection of Shells and burning them into lime. A Vessel has been kept in constant service to bring the lime to Cape Town. Upon the whole I believe this Establishment has been unprofitable. I propose to sell the Vessel and bring away the Convicts immediately, and I will direct the land to be surveyed preparatory to letting it in the manner I have already described for Groote Post. In letting this Farm it will be advisable to reserve the Sea Beach and a certain distance within it, as if it were possible to render the anchorage of Buck Bay tolerably safe, it would very much facilitate the transport of Grain to Cape Town from a considerable Corn District. From this circumstance the farm of Buck Bay might derive some value, which consisting chiefly of sand, it possesses now in a very trifling degree.

Camp's Bay contains a few cultivated acres, but has never been measured. It has been used as a place for sea bathing by Lord C. Somerset. It is of no great value either as a residence or farm. It might however answer extremely well for the Leper Asylum, the removal of which from Swellendam to Cape Town has been recommended by the Commissioners of Inquiry. Paarden Island, also near Cape Town, was formerly intended for the Leper Hospital, but was not found to answer. I am sorry to say that the *Institution* (as it is called) is in its present state both expensive and inefficient. It serves rather to propagate than to extinguish the disease, as children are annually born there from leprous Parents. I propose to consult the Medical Board as to the expediency of bringing these unfortunate people to near the Capital. The advantage of good professional attendance and inspection would be very important, and the locality of Camp's Bay, being on the Sea Shore and having but one difficult approach, is peculiarly suited to a Lazaretto. It is about three miles distant from Cape Town. I shall beg Your Lordship's authority for applying Camp's Bay to this purpose if upon further enquiry it shall seem advisable to do so.

With respect to the disposal of the Groote Post and Buckbay Farms I shall wait Your Lordship's approval of the arrangement I have proposed. Camp's Bay can be let in the same way, if the Medical Board should not approve of its being used as a Leper Asylum.

The Farms of the Groene Kloof named in the Return have been some years under leases which will expire in the year 1844.

I have &c.

(Signed) RICHD. BOURKE.

[Enclosure in the above.]

Monthly Report of the Slaves, Stock, Grain, and Labour on the Government Farm Groote Post, for the month of June 1826.

Bought 80 Cape Sheep for consumption.

Died or killed, 1 gelding, 1 cow, 1 bull, 8 oxen, 1 ram, 3 ewes, 28 wethers, 4 goats.

Total on the Farm : 31 mares, 5 of which are thoroughbred English, 7 horses ; yearling colts, 9 fillies, 5 horses ; 2 years old, 8 mares, 3 horses ; 3 years old, 17 mares, 5 geldings ; bulls, 1 thoroughbred imported from North Holland, 27 bastard Vriesland and Cape cows, 14 do., 2 thoroughbred English ; cows, 52 bastard Vriesland and Cape, 28 do., 26 do., 4 do., 15 do., 1 thoroughbred English ; 168 oxen ; 42 thoroughbred Merino rams, 54 thoroughbred Merino ewes, 416 three parts bred do., 29 first class, 127 second class yearlings, 119 yearling wethers, 23 two years old thoroughbred Merino ewes, 177 three parts bred do., 185 mixed wethers and 112 Cape sheep for consumption ; 238 goats and lambs dropped this season : 20 rams, 72 thoroughbred Merino ewes, 99 other ewes, 144 wethers.

Sown : 42½ muids wheat, 6½ muids barley, 51½ muids oats.

Labourers : 3 soldiers (1 blacksmith, 2 masons), 14 hired people, 31 male slaves, 9 female slaves, 18 slave children. The slave children attend the school.

Labour done during the month : ploughing the land, &c.

General state of the slaves : Several of the boys have been sick this month with colds, &c.

General state of the stock : Poor, on account of the season being dry and no grass.

General state of the implements : Some good and some out of repair.

(Signed) H. CROWCHER.

[Original.]

*Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.*

BRIGHTON, August 6th 1826.

SIR,—In reply to your Letter of the 31st Ultimo with Enclosures (which has been forwarded to me to this Place) relative to the Requisition made by Major General Bourke for clothing for the Government Slaves at the Cape of Good Hope, I have the Honor to state that I believe nothing more is required by this Application than the ordinary annual Supply of Clothing, but that the mode of making the Requisition is a novel one.

Without having the Means of referring to any Documents I believe I am correct in stating, that from the capture of the Cape up to a recent Period, the Officer at the Head of the Commissariat Department at the Cape provided clothing annually for the Government Slaves by public Tender under the Authority of the Commander of the Forces. Some time since (two or three Years ago, but the exact Date can be ascertained at the Treasury) Instructions were received by the Commissariat Officer from the Treasury, purporting that as it appeared by the Prices paid for the different Articles of Clothing at the Cape that they could be furnished cheaper from England, he should annually transmit in the Form of a Requisition a List of the Articles of Clothing required for the Government Slaves for the following Year at such period as would ensure the Supply arriving by the proper time of Delivery (1st January) in each Year. This Course has accordingly since been pursued, and I am inclined to think that the only Deviation in the present Instance is that Major General Bourke has made the Requisition to the Treasury in lieu of the Officer at the Head of the Commissariat Department at the Cape. I have &c.

(Signed)      CHARLES HENRY SOMERSET.

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[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 7th August 1826.

SIR,—In my dispatch No. 287 I acquainted you that I had had under my consideration a Memorial from Mr. Hugh Huntley, who was tried on a charge of having libelled Lieutenant Colonel Cuyler, the Landdrost of Uitenhage, in another Memorial which Mr. Huntley had addressed to the Acting Governor Sir R. Donkin.

Without now adverting to the proceedings on this trial, I think it necessary to apprise you that I have been assured that several of the charges which Mr. Huntley preferred against the Landdrost are true. It is stated to be perfectly true for instance that the Landdrost did represent to Mr. Maré an Inhabitant of his District, that some land which this person had intended to apply for between Uitenhage and the Sea, could not be granted to him, the Colonial Government having, as the Landdrost alleged, more than once refused it to himself; after which he used his influence to obtain the Land, although the grant of it was objectionable on public grounds, and more essentially after the extensive tracts of land which had been conferred upon him in the District, including the confirmation of a Loan Place, which he had acquired adjoining to the Town Lands.

At a subsequent period Lieutenant Colonel Cuyler is represented to have exerted his influence to deprive the Hottentots of Bethelsdorp of some land adjoining their Institution in favor of Mr. Maré the person whom I have mentioned.

The Landdrost is moreover accused of having employed on his farm some Hottentots who had been out to assist in the defence of Uitenhage against the Caffres; and at a time when they were rationed at the public expence. I am further assured that it is perfectly true, as represented by Mr. Huntley, that Lieutenant Colonel Cuyler did compel a Boor named Van Rooyen to sell to him a quantity of flour for a less sum than he had agreed to sell it for in the market. And Van Rooyen in the evidence which he gave on this trial is stated to have been guilty of gross perjury.

Upon this statement of facts it would be superfluous to make

any comment. But as I should be unwilling to direct you to dismiss Lieutenant Colonel Cuyler from his Office of Landdrost of Uitenhage without giving him an opportunity of refuting these charges, if he be able to satisfy you that they are unfounded, I have to desire that you will instruct the Lieutenant Colonel to wait upon you for the purpose of explaining his conduct ; and unless he can assign to you substantial reasons for believing that those charges are entirely groundless, you will feel it your duty to intimate to him that His Majesty dispenses with his Services ; and you will not fail to communicate to me the explanation which he may offer of the charges which have been brought against him. I must, however, add, that even in the event of Lieutenant Colonel Cuyler being able to clear himself from the imputations which have been cast on his conduct, I am not satisfied that he is a fit person to be entrusted with the important Office which he holds. It has been represented to me generally that his conduct as Landdrost has given much dissatisfaction in the district. Of that I cannot of course judge ; but if it be true that his extensive possessions of land have given him a local influence in the District, which you should have reason to believe to be incompatible with the due discharge of some of his most important duties, it would be expedient that you should suggest to him the propriety of tendering to you the resignation of his Office. I have &c.

(Signed)      BATHURST.

[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

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DOWNING STREET, LONDON, 7th August 1826.

SIR,—With reference to my dispatch of this day, I have to acquaint you that Mr. William Van Ryneveld has been strongly recommended to me by Lord Charles Somerset as a fit person to be entrusted with the Office of Landdrost of Uitenhage, in the event of your finding it necessary to dispense with the services of Lieutenant Colonel Cuyler. I am &c.

(Signed)      BATHURST.

[Original.]

*Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.*

BRIGHTON, 7th August 1826.

SIR,—Having given the fullest consideration to every measure which appears likely to advance the Interests of the Cape of Good Hope, I take the liberty of recommending for Earl Bathurst's consideration the expediency of raising the Duties on Imports at the Cape (which are now charged at  $3\frac{1}{4}$  per Centum) to 5 per Centum, and at the period from which this augmentation of the Import Duty shall take place that a Draw back shall be allowed to the full amount of the several Imposts which may have been paid or are chargeable on the respective Articles (being the produce of the Colony) exported.

I have every reason to believe that the encrease of Duty on the Imports will make very little, if any, Alteration in the Quantum of Articles imported ; and the relieving the Exports will give a stimulus to the Endeavours to export, which has been long looked for with anxiety by all connected with the Commercial Concerns at the Cape of Good Hope ; and I beg to add, for His Lordship's Information, that I have cause for believing (by a reference made to the Cape Trade Committee here) that it is a measure that will meet with the concurrence of the Gentlemen concerned in the Commerce of the Cape.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

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[Original.]

*Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.*

CAPE TOWN,  
CAPE OF GOOD HOPE, 7th August 1826.

MY LORD,—With reference to our letter dated the 1st August, we have now the honor to report to your Lordship that Captain Polkinghorne, commanding His Majesty's ship *Sparrowhawk*, has consented to afford us the required accommodation for

our conveyance to Mauritius, and that he will be prepared to sail by the end of the present month should Commodore Christian not have previously returned, or the Orders of the Admiralty been received. We have &c.

(Signed) WILLIAM M. G. COLEBROOKE,  
W. BLAIR.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to THOMAS LACK, ESQRE.*

DOWNING STREET, 8th August 1826.

SIR,—I am directed by Earl Bathurst to transmit to you enclosed a Copy of a Dispatch from the Governor of the Cape enclosing a memorial from certain merchants of that Colony praying for a free Port ; I also enclose another communication from the Governor covering a letter from the Chairman of the Committee of Merchants of London who trade to the Cape, explaining the sense in which the Merchants of that Colony may be understood to pray for a free Port ; and in laying these Papers before the Lords of the Committee of Privy Council for Trade and Plantations, with reference to my letter of 20th April last, I am desired to request that you will acquaint their Lordships that in the present state of the finances of the Colony, his Lordship is not prepared to recommend the prayer of the Memorial in its largest sense. I am &c.

(Signed) R. W. HAY.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to WILLIAM HILL, ESQRE.*

DOWNING STREET, 8 August 1826.

SIR,—I am directed by Earl Bathurst to transmit to you enclosed a Copy of a dispatch which has been received from the Governor of the Cape of Good Hope, covering an application

from Mr. J. B. Ebden for permission to establish a Joint Stock Banking Company in that Colony. I also annex a Copy of the proceedings of the Council of Government upon the said application, together with a printed prospectus of the Proposed Company; and I am to desire that you will lay these Papers before the Lords Commissioners of His Majesty's Treasury and take their Lordships' opinion as to the Answer which should be given to Mr. Ebden's application. I am &c.

(Signed) R. W. HAY.

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[Original.]

*Letter from SIR RICHARD PLASKET to R. W. HAY, ESQRE.*

CAPE OF GOOD HOPE, August 8th 1826.

MY DEAR SIR,—I have had the pleasure of receiving your letter of the 31st March last in which you have been good enough to ask my opinion as to the expediency of establishing a regular Civil service in the several Colonial Possessions which have lately been attached by conquest to the British Dominions.

I feel no hesitation in expressing my sentiments on this question, as I have long since made up my mind on the subject, and have frequently written and spoken &c. to Mr Wilmot Horton thereon, and just before General Maitland's death I had got his sanction to the proposal of a similar arrangement for Malta.

While in that Island I experienced the difficulty we laboured under, even in our small establishment there, in finding competent persons to fill up vacancies that occurred, or new situations that were made, and this difficulty arose where we had only one object in view, that of securing good public servants, as all parties were strangers both to General Maitland and myself, and there was neither favour nor affection in the case.

Since I have been in this Colony I have seen, in perfection, the evil consequences arising from Governors being allowed to fill up situations from their own choice, without reference to any class of persons. Staff, Commissariat, Half pay Officers,

Proteges and favourites of all kinds have been placed in the best situations under Government, not by one Governor but by all. It is very natural that a Governor should use the patronage placed in his hands by providing for friends and proteges, and the best and most conscientious men are apt to think the persons they wish to provide for are competent for the duties of the office to be entrusted to them. The only sure way of getting rid of this abuse is by establishing a fixed Civil Service from which alone vacancies can be filled. The Governors will then have the patronage of their immediate staff, military and private secretaries. They will also have the selection for promotion among the regular servants, and they will generally have a vote or two at home for the young writers, which is quite sufficient for the good Government of the Colony, and these measures cannot but tend to the reward of meritorious services in proportion as the power of private patronage and influence is withdrawn.

I have frequently stated my opinion of the incompetency of the higher Public Servants in this Colony. I never saw anything to be compared to it, and we never shall have an efficient service until the Sinecurists are removed and a new system established.

To induce young men of education to leave their homes for situations abroad where the salaries are but moderate and only sufficient to keep them in comfort and respectability, it will undoubtedly be necessary to hold out to them the prospect of some moderate retirement after a certain period of service, but independently of this consideration which is a very important one, I am fully convinced, that in every view of the case, whether the Public Servants are appointed from Home or on the spot, whether from merit or from favour, or even from an abuse of patronage, that the best, if not the only feasible mode of securing zeal and talent where they do exist, and of making the best of bad bargains (where they do not exist) is by the establishment of a Pension Fund upon the principle of that formed in Ceylon ; and my reasons for so thinking are as follows :

First. Every man sinks a portion of his property which in case of dismissal for misconduct falls to Government, and this will naturally tend to secure his honesty.

Second. The Certainty of his securing a retirement after his period of service, if he retire with honour, and diminish the desire of amassing money to a discreditable degree, or of making money by underhand means, such as presents, bribes, &c.

Third. The knowledge that the amount of his Pension will depend upon the situations he holds *during the period of his service* and *not merely at his retirement*, will create a constant anxiety to obtain promotion, and where there are so many competitors and no private interests, will naturally produce the exertion of zeal and talent to merit the object he has in view.

To enable any such Fund to answer the object proposed, it will be necessary that Government should subscribe liberally towards it, and it can afford so to do, because the establishment of the Pension will authorise the fixing a more moderate *scale of Colonial Salaries* than it otherwise would do, with reference to the employment of men of education and respectability ; but I am quite satisfied with a view to give efficiency to the service it is equally necessary that the civil servants themselves should be called upon for a share of their Salaries, and I would not allow any Pension to those who did not subscribe to the Fund.

It would be difficult to fix any scale of pension or of period of service that would apply generally to all the Colonies alluded to, as climate and distance from home, but particularly the former, must be taken into consideration wherever they apply.

In this Colony, in Malta, Australasia and perhaps the Mauritius, I should recommend sixteen years as the period of service for writers ; for the Judges, Chief Secretary &c. if appointed direct from home, eight years.

As to the scale of Pension, with a view to obviate the objections which apply to the Ceylon Fund, and to prevent all chance of jobbing or undue advantage of any kind, I feel inclined to recommend a scale proportionate to the actual subscriptions of the Parties. For instance, I would propose that each Civil servant pay 10 per cent from his Salary and that the capital subscribed by him during the sixteen years should be considered as doubled at the end thereof as a set off against compound interest, chance of death &c. In the course of eight years service, half the amount of subscription to be added. I would then propose that Government subscribe an

equal sum towards the party, and that an annuity at the rate of ten per cent upon this aggregate amount should be granted to the subscriber at the period of his retirement, provided always that the Pensions of the first class of Servants holding situations of £3,000 a year on their retirement shall never exceed £700 a year, nor those of the second class of Servants holding situations of £2,000 and upwards shall ever exceed £600 a year, such servants however being obliged to pay up the ten per cent on their incomes until the expiration of their term of service, viz. 16 years.

The effect of this measure will be seen in annexure No. 1, and although it may appear too high for the first class of servants, such as Judges, Chief Secretary &c., it is to be recollect that Public Servants of this description have generally been looked upon as entitled to Pensions after a certain period of service without any reduction from their own pay, and that whenever the pension is high the personal subscription and risk of death is proportionally so.

Should it however appear to His Majesty's Government to be too high, I annex another, No. 2, calculated at 75 instead of 100 per cent on the original subscription after 16 years service.

If some scale of this nature were introduced, it would do away the objection as to persons waiting for high situations and then leaving them merely to get the increased pension, as well as the difficulty where two appointments are authorized to be held by one Servant.

Should the above system however not be approved of, I annex No. 3, another scale of Pensions on the Ceylon plan, but at a more moderate rate, and after sixteen years service instead of twelve.

In case of leave of absence or temporary suspension from the service, I would not allow any subscription to be received. In case of sick certificate, one year out of the sixteen to be allowed for leave, paying up the subscription.

In case of death or dismissal from service or voluntary resignation, the subscription money to fall to Government. In case of decided ill health, preventing further service, without any other cause for retirement, the party to get back the actual amount subscribed by him with interest at 6 per cent.

The funds to be lodged in the Discount Bank (in this Colony) for issue at 6 per cent interest. The Government not to be called upon to pay up its quota provided the payment of the pensions be secured by His Majesty's Government or on the Revenues of the Colony.

In establishing a civil service in this Colony, where so many of the Colonists have hitherto been employed in high situations, it would be necessary either to pension off some of them, or to fill up the vacancies as they gradually occur, and a small number of writers would in the latter case be wanting at first. It would I think be proper with a view to secure the attachment of the Colonists and to enable us to have some respectable persons to depend upon for information and advice as to local and national customs and prejudices, to keep in employ some of the present Dutch servants, and also to authorize the Governor to select one or two writers every year from such children of the most respectable colonists who may have been educated in England, and it would always be advisable to keep a number as clerks in the offices, as the establishment is too extensive to grant that scale of salaries to all clerks which would be required to be given to young men of respectability coming out from England. There are also many British subjects now employed who from their long or useful services should either be pensioned off, or put upon the new establishment with permission to subscribe to the fund, and in this case I would allow of their paying up of their subscription for past services from the period of their being appointed to the head of a department, and not allow those who have not been appointed or confirmed from home any extension beyond the first period of retirement, by which means we shall get rid of them earlier.

I would also recommend a classification of the Civil Servants into four divisions, as per annexure No. 4. I have &c.

(Signed) RICHD. PLASKET.

It can be of no use now to give the tables which form the annexures to this letter.—G. M. T.

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[Original.]

*Letter from the REVEREND F. McCLELAND to EARL BATHURST.*

PORT ELIZABETH, August 8th 1826.

MY LORD,—I had the honor in the month of January last to call your Lordship's attention to the serious injury likely to accrue to the Established Church of England in this Colony, in consequence of its young members being unable to have themselves confirmed.

The last advices from India have brought the melancholy news of the death of the Lord Bishop of Calcutta; and I am induced very respectfully to suggest to your Lordship the propriety of recommending his successor to touch at this Colony on his passage to India, for the purpose of administering the rite of Confirmation to such persons as his Lordship should find qualified.

As a Clergyman of the Church of England I hope your Lordship will excuse the liberty I take in acquainting you that the Church of this Parish after being raised about fourteen feet above the foundation, is likely to be at a stand for want of funds. Unless we obtain assistance from home the work it is to be feared must be abandoned, but in the hope that your Lordship will interfere to prevent so deplorable an event, I have presumed to submit the case to your kind consideration.

I have &c.

(Signed)      F. McCLELAND, Chaplain.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to WILLIAM HILL, ESQRE.*

DOWNING STREET, 10 August 1826.

SIR,—With reference to Mr. Harrison's letter of the 22nd of February last enclosing a report from the Commissioners of Colonial Audit upon the subject of the Government Farms at the Cape of Good Hope, I have received the directions of Earl

Bathurst to transmit to you for the consideration of the Lords Commissioners of His Majesty's Treasury a copy of a communication which has been received from the Governor of that Colony in observation upon that part of the Commissioners' Report which relates to the farm of Groote Post. I am &c.

(Signed) R. W. HAY.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to MR. WILLIAM BEDDY.*

DOWNING STREET, LONDON, 10 August 1826.

SIR,—I am directed by the Earl Bathurst to acknowledge the receipt of your letter of the 1st instant and to acquaint you in reply that after having already explained to you the grounds upon which his Lordship considers that the circumstances of your son's situation at the Cape are not of a nature to require the special attention of His Majesty's Government, his Lordship does not feel himself called upon to enter into a discussion of your views and opinions upon that subject, and has nothing therefore to add to the communication which I was directed to make to you on the 28th ultimo. I am &c.

(Signed) R. W. HAY.

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[Original.]

*Letter from MAJOR W. M. G. COLEBROOKE to R. WILMOT HORTON, ESQRE.*

CAPE TOWN, August 10th 1826.

MY DEAR SIR,—I hope you will excuse me for readverting at this late period to the subject of a communication that was made to us officially from the Colonial Office respecting the demand of Captain Duckingfield of the Madras Army for the expences of his journey to London in the conveyance of a Despatch Box that we had entrusted to him. Captain

Duckingfield was introduced to us as a stranger who had expressed himself willing to take charge of any despatches, and we were induced without stipulation of any kind to avail ourselves of his offer. A relation of my own (Captain Williams of the Madras Cavalry) was at that time staying with me, and was proceeding to England as passenger in the same ship, but although he would readily have taken charge of the despatches, I abstained from proposing that he should do so, as I might have personally felt a degree of responsibility if any accident had occurred. I regretted subsequently that I was influenced by these scruples, as I am quite certain that Captain Williams would have punctually delivered the despatches without claiming or expecting any gratuity whatever. I beg &c.

(Signed)      W. M. G. COLEBROOKE.

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[Original.]

*Letter from MR. THOMAS HIPKINS to EARL BATHURST.*

QUEEN'S ROAD, WALWORTH, *August 10, 1826.*

MY LORD,—Prior to the Peace I wrote largely on the required emigration of our Army and Navy upon the reduction they would overwhelm the then already over burthened Parishes, and that I would lay down a plan for our peopling the *Cape* and as an experienced officer as well as gentleman who had always kept a well managed establishment of my own, to gain in all quarters my neighbours' example, I proposed to take out the discharged soldiers and sailors as fast as location ground could be provided or suitable districts to future benefits in quality of land, water and building materials, and that I should require all our tent equipage of the then army of occupation (in France) entrenching tools &c., for my own experience I know every provision for the field or strange lands must be in a way wanted for location in a Country where such uncultivated natives are in course hostile to it, thus I should averted all the disasters following the Peace *like now*, and our Colonies would ere this have exhorted tens of thousands to example of funds equal to settle. Dr. Stoddard inserted my plans in the *New*

*Times*, and not having the honor to be known to your Lordship, and objecting as gentleman of age to intrude myself, I did even weekly send in my numerous detailed projects to Lord Liverpool, also then Mr. V. now Lord Bexley. Besides Emigration general national affairs for increase of revenue, exposure of frauds in the already duties &c. &c. thus for seven years, but not always in cant, my principles are plain English projects not from borrowed information as to system but sober judgment fraught with expected industry to back them, *without these* everything fails. I do think you must now set to work for example only not to attempt anything else, but thus, I would recommend Government to send out immediately 1000 at its sole expence from Spitalfields of those who the Parishes think most oppressive, but they must be all of robust health, and male or female, or if young *equal to work* for establishing a new Colony at the Cape. I would then take 500 from Manchester, 100 from each town of those districts which now call out so much, 100 from Birmingham, for hardware workmen are essential amongst these I have named, which are the *worst* for labour, on this Plan I would establish 100 for 20 of the latter as knowing these general trades and their habits of workmen better than anyone, having had large works of my own, various manufacture, but soft wares, in this case I would form lines of communication with those already established as *farthest into the interior* of the Cape. I want a large Colony to reach the Yellow River and that peninsula bounded by the Yellow River and flanked by the Craddock and Alexandria Rivers, where Campbell states, here by mills, fishing, and land luxuriant, and constant power of irrigation a hundred thousand may live and flourish for their own and Nation's good, in a few years. But this would cost no more than the subscriptions as I said years past is giving, as after the War and of late to urge a demand upon the provident purses of the thinking, and if not again freely in giving, a hat in one hand and a dagger in the other to demand. In my former large plans I meant to have the privilege of all our old ship's provisions, &c., ammunition, shoes unused, regimental clothing, &c., thus by this I would have swept the Country of unemployed, I was in hopes if any changes took place with Lord Charles Somerset that my worthy brother Officer Sir Henry Torrins would go out to benefit his

young family, his arduous office is killing him with superficial wants of others (Idlers.) I sent Sir Henry as my house was near him till this 3 Portland Place, various of my official papers which were formerly studied and Nationally by experience wanted when the disease was incurable, and would have served the former and this Cause to a certainty. I wanted a man out would take that advice common sense would see if he had not *well founded experience*, few gentlemen have industry to learn, you have a gentleman Major George Pigott out, even him but a little man of business is settled (at or) near Graham's Town and sets example by keeping at this time all his servants in his employ he took out of England and all flourish together, and this shews the *Assistance Government granted a poor gentleman* (I knew well) is a proof encouragement to others in this question is worthy of imitation to respectable classes of property, no doubt the new encouragement I want, of sending out these respectable lots would set Parishes, Companies, and Individual adventurers to establish large Colonies the Government *cannot* or ought to do here certain. I have &c.

(Signed) THOMAS HIPKINS.

There is another letter in the same style, which I have not copied.—G. M. T.

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[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, August 11th 1826.

MY LORD,—In my despatch of the 18th ultimo I enclosed certain Memorials and Petitions praying for a repeal of the Ordinance for improving the condition of the Slaves in this Colony, and I had the honor to inform Your Lordship that I had given permission for a public meeting on the 22nd of that month, at which a Committee was to be appointed to prepare a petition to His Majesty to the same effect. The Meeting took place accordingly and a Committee was appointed who have expressed their anxious desire not only for the improvement of the condition of the Slaves (tho' in a manner different from

that prescribed by the Ordinance) but for the total extinction of Slavery within the Colony, a plan for which they propose to introduce into their petition. In the mean time they addressed the Council for the suspension of the Ordinance, which was refused. I should observe that giving to this Committee all due credit for sincerity, I have in truth no hope whatever that any practicable plan for the gradual emancipation of the Slaves will result from this Meeting. The petition will probably contain most of the arguments which have been already urged against the provisions of the Trinidad Order in Council, and some amendments of the Ordinance now in force here will probably be proposed. If Your Lordship shall think well of admitting these, they will doubtless be received as a great boon from His Majesty's Government ; but should they be of a nature requiring a refusal, the length of time which must elapse before such refusal can be received will most probably have set at rest the fears of the Slave Owners by proving to them that the provisions of the Ordinance are not calculated to injure their property or destroy their domestic comfort. The clamor raised against the Statute has already begun to subside, as it has been in force since the 1st instant without producing any sensible effect upon the accustomed relation between Master and Slave. I think I may therefore congratulate Your Lordship upon the introduction of this important measure with less opposition and difficulty than might have been expected in a Country where Slavery and the prejudices which it creates have so long existed. I have &c.

(Signed) RICHD. BOURKE.

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[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, *August 11th 1826.*

MY LORD,—In reply to Your Lordship's despatch of the 20th March last I have the honor to inform Your Lordship that having called upon Mr. Blair the Collector of Customs at this Port to make good the deficiency in the public revenue which had arisen from the peculation of a Clerk in his Office, I have received in answer the communication of

which the enclosed is a copy. Mr. Blair is desirous that the result of a representation which Lord C. Somerset undertook to make to Your Lordship may be known here before any further steps are taken against him. I have however required Mr. Blair to give Security to the amount of the deficiency. His circumstances are such that I cannot venture to state that his personal security would in case of his death prove available, and no other certain means appear for recovering the amount of the deficiency (in case it shall be finally determined that the payment rests with him) than by a stoppage of Mr. Blair's Salary, for which the authority of the Lords Commissioners of His Majesty's Treasury will be required.

I have further called upon Mr. Blair for an explanation of the circumstance set forth in your Lordship's despatch of the 14th April last, No. 261, namely the fact of his having received pay for the same period both from the Colonial Agent in London personally, and thro' his Agent from the Paymaster here, amounting to £562 10s. I have the honor to enclose a copy of Mr. Blair's explanation.

I have further to state that having in obedience to Your Lordship's instructions examined both Mr. Blair and his Agent at the time of the double receipt, I have seen no reason for attributing this occurrence to any other cause than the negligence of Mr. Blair in everything relating to his private affairs, which is matter of general notoriety, and from which he has suffered heavily at different times of his life. It is a fact that the accounts he had received from his Agent on his return to this Country in 1820 and in which the receipt of the full amount of his pay here for the period in question was admitted, had remained unopened by Mr. Blair until within a few days ago when I called his attention to the subject.

The amount of the Surcharge including interest will be paid to the Receiver General here in a very few days. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure 1 in the above.]

CUSTOM HOUSE, CAPE TOWN, 4th August 1826.

SIR,—In reply to your letter of the 28th July communicating the despatch received from Earl Bathurst relative to a deficiency

of the Public Revenue of Government, which has arisen from the misconduct and peculation of a clerk employed in the Office of the Customs, I beg to acquaint you, for the information of his Honor the Lieutenant Governor, that when His Excellency Lord Charles Somerset left the Colony for England, he made himself acquainted with every circumstance connected with the transaction in question, in order to explain fully to the Earl of Bathurst, and to the Lords Commissioners of the Treasury, the situation in which I stand, and to relieve me from the consequences of a loss which the despatch I have had the honor to receive from you now calls upon me to make good. As the date of the despatch of Earl Bathurst is long prior to the arrival of Lord Charles Somerset in England, I am induced to request that his Honor will refrain from urging this business until the reply of Lord Charles Somerset (which may be expected shortly) comes to hand, and that he will be pleased to forward to the Home Government a Memorial on the subject, which I shall have the honor of transmitting to you in the course of a few days. I have &c.

(Signed) CHARLES BLAIR, Collector of Customs.

The Hon. Sir Richard Plasket.

[Enclosure 2 in the above.]

To the Right Hon'ble the Lords Commissioners of His Majesty's Treasury.

The Memorial of Charles Blair, Collector of His Majesty's Customs at the Port of Table Bay, Cape of Good Hope, Humbly Sheweth

That in the Year One Thousand Eight hundred and eight he received from the Lords Commissioners of His Majesty's Treasury the appointment of Collector of Customs at the Cape of Good Hope, and on his arrival to take upon himself the duty of his office he found a clerk and cashier fixed as a part of the establishment. Memorialist further sheweth that on the decease of that officer a successor was named by Government, and on his retirement also, the Government appointed James Birkwood on the 10th of April 1815. That in the month of November 1819 Memorialist learnt from the avowal of the said James Birkwood that a deficiency had occurred in the

cash received by him from Custom Dues, but to what amount or how he was at a loss to discover. That on this information Memorialist applied to Government for an especial accountant to examine the books of the Custom House and report on the amount of deficiency, who deputed one of the Directors of the Bank so to do. That in consequence of this investigation it appeared that the said James Birkwood had paid into the Bank a less sum than he had received, and that there existed a deficiency to the amount of fifteen thousand and ninety eight rixdollars four skillings and three stivers, Cape Currency. That on the dismissal of James Birkwood by Government under notice in the *Cape Gazette* of 19th November 1819 the Government appointed M. T. de Kock, and took security from that gentleman.

That Memorialist having been called upon to make good the deficiency occasioned by the misconduct and peculation of a clerk employed in the Office of Customs, whom he did not nominate or appoint, does not consider himself liable thereto. In this view he took the opinions hereunto annexed of three eminent counsel, of whom one is His Majesty's Solicitor General, and to which Memorialist craves leave to refer. That Memorialist notwithstanding these favorable circumstances has lately been peremptorily required to replace the loss, in consequence of a letter from the Secretary of State for the Colonies to His Honor the Lieutenant Governor, to which Memorialist demurs both on account of irresponsibility as collected from the opinion of Counsel, as well as from the distress to himself and family from the enforcement of an order to pay the delinquency of a clerk in office not appointed officially by himself. That should your Lordships be of opinion that under all the circumstances above stated, Memorialist is legally liable, yet Memorialist humbly hopes that your Lordships' favorable consideration will be extended to him in the same indulgent manner as was exercised on a late similar occasion towards a responsible officer in the Treasurership of His Majesty's Navy, where the defalcation was no fault of that officer, as is reported in the *Times* of the 8th April.

And Memorialist as in duty bound will ever pray.

(Signed) CHARLES BLAIR, Collector of Customs.

CUSTOM HOUSE, CAPE OF GOOD HOPE, 11th August 1826.

[Enclosure 3 in the above.]

CUSTOM HOUSE, CAPE TOWN, 5 August 1826.

SIR,—In answer to your letter of the 3rd instant, I have the honor to state for the information of His Honor the Lieutenant Governor that when I applied in London for a moiety of my Salary, I was entirely ignorant that my Agent at the Cape had received more than the other half in consequence of his having remitted to me a Sum *about equal to that* amount. I stated to Lord Charles Somerset before he left the Cape that I understood from my Agent here that some error had occurred, but of which I was totally unacquainted whilst in England, and as my accounts with my Agent are still unadjusted it is only within a few days that I was made acquainted with the precise amount of the over-receipt which of course I shall instantly repay. I hope His Honor will do me the justice to believe, and I am certain the Noblemen who have heretofore administered the affairs of the Colony, as well as General Grey and Sir Rufane Donkin, are well convinced that this could never have occurred but under a mistake which has given me much pain. I have &c.

(Signed) CHARLES BLAIR, Collector of Customs.

The Hon. Sir R. Plasket.

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[Original.]

*Letter from MR. W. BROOKES to EARL BATHURST.*

BRIGHTON, August 11th 1826.

MY LORD,—I have a wish to emigrate to the Cape of Good Hope, and should be obliged if your Lordship would allow me the advantages of the settlers generally, being possessed of £400 in money and goods, which I might avail myself of to more advantage. Having been employed by His Majesty at the Pavilion as decorator and painter for several years, that I trust will have some weight in your Lordship's consideration. Waiting your concurrence, my Lord, I remain &c.

(Signed) W. BROOKES.

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[Original.]

*Letter from LIEUTENANT T. C. WHITE to R. W. HAY, ESQRE.*

ARNOLD, NEAR NOTTINGHAM, *August 11, 1826.*

SIR,—I have the honor to acknowledge the receipt of your letter of the 5th instant.

The reasons assigned to Earl Bathurst for the rejection of my claims for a grant of land at the Cape of Good Hope, namely that the land which I originally possessed had not been cultivated, that there was only one person on my location, and that I did not give any assurance or hold out any expectation that I had any additional labourers to place there, being at variance with the facts of the case; I beg leave to offer for the information of His Lordship a statement of facts accompanied with extracts from the written documents which support it.

It being necessary, in consequence of the infertility of the soil, to reject the first location allotted to me and other heads of parties at the Zonderend river, it was proposed on the part of the Acting Governor to remove us to the Zuurveld. I consented, and transmitted to the Colonial Office in Cape Town the required Report of my party, as follows:—

Men.	Age.	Women.	Age.	Children.	Age.
T. C. White, head of the party	—	—	—	—	—
Wm. Singleton . . . .	33	Mary .	40	John .	9
				Elizabeth .	15
				Charlotte .	6
Samuel Smith . . . .	18	—	—	—	—
George Peach . . . .	20	—	—	—	—
Wm. Struts . . . .	21	—	—	—	—

In the letter which accompanied that Report is the following passage:—

“ As my party appears by the list which I have the honor to enclose to have been considerably reduced, I beg leave to explain that the others were employed under Farmers in this neighbourhood to enable me to meet the charges for Wages already due to them for a period of eight months, and that their engagements are unexpired.

“ To Henry Ellis, Esqre., Dep. Col. Sec.”

In the statement which I laid before the Commissioners of Enquiry at the Cape, the same circumstance is noticed as follows :—

“On the 25th July, being about three months after our arrival in the Colony, it was proposed in a circular letter to the Heads of Parties at the Zonderend river to remove them to the Zuurveld ; to this I acceded, explaining at the same time that I had been under the necessity of allowing some of my people to engage with the neighbouring Farmers. On the receipt of the circular letter eight months wages were due to the party, and I had been chargeable with their maintenance during the whole time of our continuance at the Zonderend river, there being no commissariat establishment in that neighbourhood.”

It being therefore quite clear that the Colonial Government was aware of the reduced state of my party (occasioned by its own inability to provide lands of sufficient quality to maintain such large establishments as the Heads of Parties had been induced to charge themselves with) previously to leaving the place of our first location, I humbly submit that that circumstance cannot now affect my claim, and ought not, in fairness, to have been used for the purpose of producing an unfavourable impression on His Lordship.

But, Sir, even in the supposition that I had no other claim than that derived from the conditions accepted in England, it is quite evident that the resumption of the land assigned to me by Sir Rufane Donkin was not occasioned by a non-fulfilment of those conditions, for His Excellency Lord Charles Somerset's repeated refusals to authorize the admeasurement of that land are antecedent to any report which was made to him on the subject of the progress I had made in its cultivation. In fact His Lordship never received more than one report on the state of my location from any public officer, and his refusals, so far from being grounded on the circumstances since alleged to Earl Bathurst, were invariably conveyed in the following words : “it cannot be complied with.” The report just noticed was made by Mr. Rivers, the Landdrost of Albany, and contained nothing but misrepresentations. The extraordinary conduct of that Magistrate in endeavouring to conceal by an

untruth that he had made a report on the subject of my claim—in reporting upon the state of land which he had not seen—and in completely misrepresenting the state of my location, I lost no time in stating to His Excellency the Governor, but His Lordship did not think proper to take any steps in consequence of my communication. Part of my letter to His Lordship is as follows :—

“ It is there stated (in the report) that I have neither resided on nor brought my grant into cultivation. I beg to observe in reply that I have never ceased to reside on it excepting when employed in surveying for the Government, and that I have persevered in cultivating the land notwithstanding all the difficulties we had to encounter in consequence of unfavourable seasons. Of these facts Mr. Rivers might have been aware, had he at any time visited my location, and I am at a loss to conjecture from what source the misinformation upon which the report is founded could have proceeded, as the only visit made to my location by any person in office was by the Field Cornet some months back, when I personally furnished him with a list of my people, and showed him that the arms which had been issued for them were in my possession and in good order. Mr. Rivers states that he is not aware of any grounds upon which I can be entitled to a grant of land, and that he has not considered me as one of those persons for whom he was directed to fill up a return. Had I been aware that it was necessary to submit the nature of my claims to Mr. Rivers I should willingly have done so ; or had he visited my location or questioned my right to land when he informed me (after he had actually made his report) that he had received no communication on the subject of my memorial, he would have been furnished with the requisite information.

“ To Colonel Bird, Colonial Secretary.”

In my statement to the Commissioners of Enquiry the same transaction is noticed as follows :—

“ Mr. Rivers, the Landdrost, on whom I waited immediately on my arrival at Graham’s Town, told me he had received no communication on the subject. I, in consequence, wrote to Colonel Bird reminding him of his promise, and received with

his reply a copy of the correspondence that *had* taken place with Mr. Rivers."

And in another part of the same statement :—

" But that Gentleman (Mr. Rivers) has never yet thought proper to visit my location, notwithstanding he did not hesitate to report upon it, with a view to deprive me, judging by his extreme inaccuracy, of even the location to which my agreement with the home government has given me, as I conceived, an indisputable title."

The following is the copy of a letter on the same subject which was afterwards sent to the Commissioners when at Graham's Town :—

" GENTLEMEN,—In the statement which I did myself the honor to submit to you previous to your departure for the Albany District, I fear no very precise idea is conveyed of the conduct of the Landdrost on my arrival at Graham's Town. I beg leave therefore to add that although Mr. Rivers denied the receipt of a communication on the subject of my memorial, it appears from Colonel Bird's letter and its enclosures that the promised communication had not only been made to him, but that he had actually replied to it, and in the manner which I have already described."

Colonel Bird's letter referred to above is as follows :—

" In reply to your letter of the 10th instant, stating that you had called on the Landdrost of Albany on the subject of a grant of land applied for by you, but that Mr. Rivers informed you that he had received no communication respecting it, I am directed to transmit to you the enclosed copies of the papers that passed between this office and the Landdrost on the subject of your application."

Having so overtly called in question the accuracy of the Landdrost's report with a view to investigation whilst the means of doing it effectually were at hand, I humbly submit that it cannot be consistent with principles of justice to allow that report to operate to my disadvantage as if its truth had never been questioned ; but, on the contrary, that the state-

ment which I submitted to His Excellency immediately after the receipt of a copy of the Landdrost's report, and which has remained uncontradicted ever since, ought to be deemed of best authority, and indeed equivalent to proof.

It may not be improper to add that a rigid compliance with the conditions accepted in England was not deemed essential, under any circumstances, in the acquisition by the Emigrants of a good title to their lands. His Excellency Sir Rufane Donkin knew that they could not be adhered to without certain ruin to the Head of a party who should attempt it. In my own case an expense of 12,000 Rixdollars would have been incurred to secure a piece of land worth only 600 or 700.

I feel assured Earl Bathurst will no longer consider that the rejection of my claim was warrantable on public grounds, and that there could be no consideration of a private nature to justify the hostility which I experienced from His Excellency Lord Charles Somerset will, I trust, satisfactorily appear from the following extract of a letter which I solicited from the Commissioners of Inquiry when on the eve of leaving the Colony :—

“ We have no difficulty in stating to you that although we declined the investigation of the misunderstanding that took place between His Excellency Lord Charles Somerset and yourself from an impression that it was a matter purely of a personal nature, yet nothing has arisen out of it that will preclude us from proceeding in the investigation of your claims to a confirmation of the grant of land that was assigned to you as well as to the augmentation that you have solicited at as early a period as other engagements of a similar nature will permit.”

But, Sir, it was not my intention to trouble His Lordship with respect to the land to which I became entitled as the Leader of a party of Settlers. In a country the climate of which is unfavourable to the production of bread corn, and where, even though that difficulty did not exist the demand for it is inconsiderable, where in the summer months each head of cattle requires an extent of pasture of at least 20 acres, and where the whole expenditure of a Farm is to be met by the sale of live stock, a grant of the extent to which my party entitled me,

namely 1,200 acres, is absolutely worth nothing. The meanest Dutch Boer, if not occupying an adjoining farm, would not accept of it ; and if offered for sale would not, I am persuaded, be disposed of for even the trifling sum which I have valued it at in another part of this letter and in my statement to the Commissioners of Inquiry.

The object of my several communications to Earl Bathurst was to solicit his protection against the arbitrary refusal of the Governor of the Colony, Lord Charles Somerset, to *complete* a grant of land made to me by the Individual invested with all his Lordship's power during his absence from the Colony. (My Memorial with his Excellency's assent on the back of it is already before His Lordship.) I now confidently appeal to His Lordship's justice for restitution of the land granted to me unconditionally by His Excellency Sir Rufane Donkin, for compensation for the losses I have sustained in being forced from a Farm on which I had expended considerable sums, and for the expenses incurred in returning to England for the purpose of seeking redress.

It has been represented to his Lordship that there was only one person on my location. It is true that on leaving the Colony my Farm was left in the occupation of one Family only, but I feel confident it will appear to His Lordship that the expense which even that entailed upon me was quite as great as the circumstances of the case warranted me in incurring. And I am equally confident that His Lordship will not find my occasional absence from the Farm objectionable, when it is explained to him that I was induced to assist in making a survey of the Colony through a desire to meet the wishes of the Acting Governor conveyed to me through Major Holloway, the head of the Engineer department, and with an understanding that there would be no remuneration. It is however due to His Excellency to remark that he did not forget the service in which I was engaged when my Memorial for an extension of my Farm was presented to him. I have &c.

(Signed) T. C. WHITE.

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[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, *August 12th 1826.*

MY LORD,—Dr. Andrew Smith to whom Lord C. Somerset gave in charge the establishment of a Museum at this place has requested me to forward the enclosed letter and printed Catalogue. Dr. Smith is a most indefatigable Naturalist, and has procured an exchange from a regimental to a staff appointment to enable him to remain here for a few years to superintend this new Institution, which he does gratuitously. He is allowed to expend in collecting and arranging to the amount of £150 per annum, as stated in Lord C. Somerset's despatch of the 18th July 1825 and not forbidden in your Lordship's reply of the 14th October last.

I should however observe that the apartments in the Library Building allotted for a Museum are nearly filled by Dr. Smith's industry, that he is enquiring for more room, and that the Committee of the Library are objecting to the scientific operations which Dr. Smith is carrying on near them. To render therefore the Institution creditable to the Colony or extensively useful to Science, it will be necessary to assign a more considerable building and consequently to incur a greater expense than is at present allowed, but which I trust may be provided for by the liberality of the Mother Country. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure in the above.]

SOUTH AFRICAN MUSEUM, *10 August 1826.*

MY LORD,—In submitting to your Lordship a copy of the First Part of a Descriptive Catalogue of the South African Museum I venture to solicit Your Lordship's patronage for the Institution.

His Honor the Lieutenant Governor (in forwarding it) will perhaps be pleased to inform your Lordship of the progress the Museum has already made, and Sir Everard Home with whom I correspond on matters of science will state I am convinced

the benefits which are likely to result from an establishment that has for its object an enquiry into the Natural History of a part of the world at this moment so little known. I have &c.

(Signed) ANDREW SMITH, M.D., Superintendent,

The Right Hon'ble Earl Bathurst,  
Secretary of State, &c., &c., &c.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.*

DOWNING STREET, 12th August 1826.

MY LORD,—I beg leave to enclose for your Lordship's consideration lists of all the outstanding Surcharges on the Accounts of your Lordship's Government for the years 1819, 20, 21, 22 and 23 which cannot be removed without Lord Bathurst's authority and which his Lordship cannot authorize without further explanations from your Lordship.

With respect to the Surcharges for the years 1820 and 1821 your Lordship will not of course consider yourself responsible for any new expenditure of a fixed and contingent nature which may have been authorized by the Acting Governor during your Lordship's absence. I have &c.

(Signed) R. W. HAY.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.*

DOWNING STREET, 12th August 1826.

MY LORD,—I have received the directions of Earl Bathurst to transmit to your Excellency herewith enclosed a letter in original which has been received from Mr. John Carnall complaining of the severity of the proceedings which he alleges that your Excellency caused to be instituted for the liquidation of a Mortgage Bond which he appears to have given as Security

for some portion of the purchase money of an estate ; and I am to request that your Excellency will favor his Lordship with any observations which you may wish to offer in explanation of the subject matter of Mr. Carnall's representation.

I have &c.

(Signed) R. W. HAY.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to T. P. COURtenay, ESQRE.*

DOWNING STREET, 12 August 1826.

SIR,—Having laid before Earl Bathurst your letter of the 4th instant, I am directed to convey to you his Lordship's Authority for providing the supply of Clothing which has been required for the use of the Cape Corps of Cavalry ; but as you have received no requisition for clothing for the Infantry, his Lordship does not think it necessary that you should forward a supply for the use of that Corps. I am &c.

(Signed) R. W. HAY.

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[Original.]

*Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.*

CAPE Town,  
CAPE OF GOOD HOPE, 14th August 1826.

MY LORD,—Referring to our Despatch of the 1st inst., in the latter paragraph of which we acquainted your Lordship that we intended to take with us to Mauritius a confidential clerk, Mr. Wm. Mackrill, we think it right to solicit your Lordship's sanction to the appointment of him as Chief Clerk in our office and to the assignment of an adequate salary as such.

Upon our arrival in this Colony in July 1823 we took Mr. Mackrill into our employment as a temporary clerk at the moderate salary of 7s. 6d. per day. He was strongly recom-



mended to us by a most respectable gentleman who had known him for many years as a Clerk in the Military Purveyor's Department at the Cape. We have had every reason to be highly satisfied with his assiduous conduct in our office, and with the discretion and circumspection which we believe him to have observed in a situation that has demanded the exercise of both. His knowledge of the Dutch Language has enabled him to be of considerable use to us as Interpreter and Translator on many occasions, and had we not decided upon taking him to Mauritius, we should have felt ourselves bound to make him some compensation for his services in those capacities.

We are however so strongly impressed with the necessity of taking some confidential clerk, who will be wholly independent of local connections at Mauritius, that we have considered it to be not only just to Mr. Mackrill in consideration of his services during the last 3 years, but advantageous to the objects of our Commission to employ him in the capacity of our Chief Clerk. He has a wife and family whom he must leave at the Cape, and he will have to encounter expences at Port Louis much greater than those to which he has been subject as an established resident at Cape Town. We have therefore endeavoured to ascertain the amount of salary that it would be equitable to assign for him, to enable him to support himself respectably at Mauritius, and which would at the same time be a just compensation for the duties he will have to perform. We have accordingly been induced to offer him (subject of course to your Lordship's approval) a salary of three hundred and fifty pounds per annum commencing from the 1st of this month, the day on which we directed him to prepare himself to accompany us.

If your Lordship should be pleased to approve of the assignment of this Salary, we do ourselves the honor of requesting that you will have the goodness to give directions that your sanction may be communicated to the Board of Treasury in order that our Secretary may have credit given him accordingly in his public account of expences incurred for the public service of the Commission of Inquiry. We have &c.

(Signed) WILLIAM M. G. COLEBROOKE,  
W. BLAIR.

[Original.]

*Letter from the COMMISSIONERS OF ENQUIRY to R. W. HAY, ESQRE.*

CAPE TOWN,

CAPE OF GOOD HOPE, 15th August 1826.

SIR,—The supply of stationery that was furnished to us in January 1823 (the period of our leaving England), by order of the Lords Commissioners of His Majesty's Treasury, having been in a great degree consumed, and having found that the articles we have been under the necessity of purchasing on the spot are not only very expensive but of very inferior quality, we do ourselves the honor of transmitting to you the enclosed list of articles of stationery which are required for the use of this Commission, and request that you will have the goodness to submit the same for Earl Bathurst's approval, in order that the necessary directions may be given by the Lords Commissioners of His Majesty's Treasury that the articles may be supplied by the Stationery Office, and consigned to us at Mauritius by an early conveyance.

We have &c.

(Signed) WILLIAM M. G. COLEBROOKE,  
W. BLAIR.

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[Original.]

*Letter from the COMMISSIONERS OF ENQUIRY to  
R. W. HAY, ESQRE.*

CAPE TOWN,

CAPE OF GOOD HOPE, 16th August 1826.

SIR,—Having in the course of our proceedings in this Colony experienced considerable inconvenience from not being furnished from time to time with the papers that have been presented to Parliament upon the subject of the Slave Trade, and of the measures adopted by Government for ameliorating the condition of the Slaves in His Majesty's Foreign Possessions, we feel anxious to secure the advantage of possessing these papers while we are at Mauritius, as they will be of the greatest utility, if not indispensable, to us in the progress of the inquiries we are

about to enter upon in that Island. We therefore do ourselves the honor of requesting that you will have the goodness to give directions that one copy of the several papers presented to Parliament by His Majesty's command during the years 1823, 1824, 1825, and 1826, relative to the Slave Trade, and the negotiations with Foreign Powers upon that subject, together with one copy of those presented in the same years, relating to the measures adopted for ameliorating the condition of slaves in the West Indies, may be sent to us by the earliest conveyance.

We would also take the liberty of suggesting that the objects of our Commission would be greatly facilitated if the Agent for Mauritius was requested to undertake the duty of sending us from time to time copies of all such papers as may be presented to Parliament in the ensuing Session upon any subjects relating to the Colonies, either with regard to Slaves, Slave Trade, or Commercial and Financial Regulations. We have &c.

(Signed) WILLIAM M. G. COLEBROOKE,  
W. BLAIR.

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[Original.]

*Letter from MR. ROBERT JONES to EARL BATHURST.*

37 DUDLEY STREET, BIRMINGHAM, August 16th 1826.

MY LORD,—I trust that the motives which have urged me to address you will prove a sufficient excuse for the liberty I have thus taken. I am a mechanic with a wife and four children, whom I have hitherto supported by my own industry. It is still my wish to do the same, but the present situation of commercial affairs has entirely deprived me of the means: nothing presents itself at home by which I can accomplish this object. Under these circumstances it is my wish to emigrate to the South of Africa could I by any means obtain a passage for myself and family. May I therefore respectfully request that your Lordship will please to grant this the object of my wishes, or, if this be not in your power, be pleased to put me in possession of the knowledge necessary to accomplish the object I have in view and you will confer a lasting obligation upon &c.

(Signed) ROBERT JONES.

[Office Copy.]

*Note from R. W. HAY, ESQRE., to CAPTAIN HIPKINS.*

Mr. Hay presents his compliments to Captain Hipkins, and is directed by Earl Bathurst in acknowledging the receipt of Captain Hipkins' letter of the 10th instant, to return his Lordship's thanks for the trouble which Captain Hipkins has taken in communicating his ideas upon the subject of emigration to the Cape of Good Hope.

DOWNING STREET, 16 August 1826.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.*

DOWNING STREET, LONDON, 17 August 1826.

MY LORD,—I have submitted to Earl Bathurst your Lordship's letter of the 7th instant, and I am directed to acquaint you that your proposal of raising the duties on Imports at the Cape has been transmitted to the Lieutenant Governor with orders to bring the subject under the consideration of the Council. I have &c.

(Signed)      R. W. HAY.

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. [Office Copy.]

*Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.*

Mr. Hay presents his compliments to Lord Charles Somerset, and has the honor to return herewith the different Papers on the subject of the encroachment of the Caffres, and of Colonel Somerset's expedition into Caffraria, which his Lordship was good enough to leave at this Department for Mr. Hay's perusal.

DOWNING STREET, 17th August 1826.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to WILLIAM HILL, ESQRE.*

DOWNING STREET, 17 August 1826.

SIR,—Having laid before Earl Bathurst your letter of the 28 ultimo, I am directed by his Lordship to acquaint you in reply that in his opinion the clothing which has been required for the use of the Government Slaves at the Cape should be provided and forwarded to that Colony.

General Bourke has however been instructed to adhere to the usual course of sending all such requisitions in future through the Officer at the head of the Commissariat.

I am &c.,

(Signed) R. W. HAY.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to ABRAHAM  
BORRADAILLE, ESQRE.*

DOWNING STREET, 17 August 1826.

SIR,—Earl Bathurst having communicated with the Lords Commissioners of His Majesty's Treasury on the subject of the representation which you made to this Department of the inconvenience and loss experienced by small Traders at the Cape of Good Hope from the insufficient amount of copper Coin in circulation, I am directed to acquaint you in reply for the information of the Committee of Merchants trading to the Cape of Good Hope, that their Lordships have taken measures for remedying the evil complained of, by the consignment to the Officer in charge of the Commissariat of a further sum of copper coin containing a due proportion of Pennies, Halfpennies and Farthings. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to MR. JOHN CARNALL.*

DOWNING STREET, 17 August 1826.

SIR,—I am directed by the Earl Bathurst to acquaint you that having fully considered your case as represented by you in the statement which you delivered at this Office on the 3rd of May of last year, his Lordship does not think himself authorised to recommend the remission of the sentence of the Court of Justice at the Cape, as mitigated by the Governor, under which you were banished from that Colony for having aided and assisted in the escape of the Convict Edwards.

With respect to the new topic of complaint set forth in your letter of the 8th ultimo, his Lordship has directed enquiry to be made into the subject. I am &c.

(Signed) R. W. HAY.

[Original.]

*Letter from SIR HERBERT TAYLOR to R. W. HAY, ESQRE.*

HORSE GUARDS, 17th August 1826.

SIR,—In reference to the arrangement in contemplation for the reduction of the Cape Corps of Infantry, I am directed by the Commander in Chief to request you will acquaint Earl Bathurst that a Regiment cannot be spared until the spring of 1827 for this service, and therefore that it will be midsummer of that year before such reduction can take place.

It is also intended to send the 11th Foot at the same period to Ceylon to relieve the 83rd Regiment (which has been 21 years abroad), and as it may suit the arrangements of the Navy Board to have an early intimation of Tonnage being required for carrying these services into effect, His Royal Highness requests that you will move His Lordship to give directions to that Board accordingly. I have &c.

(Signed) H. TAYLOR.

[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 20 August 1826.

SIR,—I transmit to you enclosed a copy of a communication which I have received from Lord Charles Somerset containing some suggestions which he has brought under my consideration with a view of remedying the evils which are at present felt from the great scarcity of Labourers at the Cape ; and I have to desire that you will take an early opportunity of bringing under the consideration of the Council the conditions upon which it might be expedient to invite and employ such Individuals of the Native Tribes, called Mantatees and Goes, as may be found capacitated for field labour.

In considering what number of these people it may be expedient to employ and provide for, much of course must depend upon the good conduct and efficacy of those Individuals who have already been received into the Colony ; and upon the inclination of the Colonists to employ them ; but you would at all events avoid making arrangements for indenturing them in the same manner as Prize Negroes. I am &c.

(Signed)      BATHURST.

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[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 21 August 1826.

SIR,—With reference to Lord Charles Somerset's dispatch No. 271 under date of the 14th of February last, I have to desire that you will transmit to me copies of all the proceedings which were had on the trial of Mr. John Carnall on the charge of having effected the escape of the Convict Edwards. I am &c.

(Signed)      BATHURST.

## [Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 22 August 1826.

SIR,—I have the honor to acknowledge the receipt of your dispatch of the 1st of May No. 19 in which you enclose copies of certain Resolutions which had been passed in the Council on the subject of the Corn Trade.

It is a source of much gratification to me to find that you have directed your attention to a subject so important with a view of bringing under the consideration of His Majesty's Government such a revision of the existing regulations as appear to be necessary to ensure a regular supply of Grain for the use of the Colony.

I could have wished, however, that in transmitting the Resolutions which were passed in the Council on this subject, you had furnished the necessary details of the grounds upon which their judgment was founded ; for although you have stated that the Members of Council have severally convinced themselves of the accuracy of the calculations upon which they have come to a decision upon this most important subject, you have supplied no data to assist His Majesty's Government in forming any satisfactory opinion upon it. I am, therefore, precluded from conveying to you His Majesty's final Instructions founded on the Resolutions which have been thus adopted, until you shall have furnished me with the information in which your present dispatch is so defective.

The proposition contained in the second Resolution for opening the Ports at the Cape of Good Hope, is one which cannot be acceded to, without at the same time giving to the Agriculturists, who may have fixed themselves there, the full benefit of that protection which they may justly claim ; for after the encouragement which has of late been given to Settlers who may have been disposed to emigrate to the Cape, that Colony must now be dealt with as an Agricultural Settlement. The point, therefore, to be considered is the extent to which protection ought to be given to the Agriculturist with due regard to the interests of the Consumer.

The Council have proposed a 2 per cent ad valorem duty,

but it may reasonably be doubted whether a duty calculated upon this principle, is not liable to great objections, if it be imposed for the sake of regulation and protection ; for the effect of an *ad valorem* duty on Corn will be to be low, and thereby to favor the introduction of that article at a time when, from its abundance in the market, it is least required ; and to be high, and thereby to check its importation, at a time when, from its scarcity, it would be desirable to afford every facility to its introduction.

It thus becomes an encouragement to importation, when from the state of the market, grain ought not to be imported, if it be intended to protect the Agriculturist, and by making the duty rise as the market price rises, importation will appear to be discouraged at a time when it is for the interest of the consumer that it should be imported, and when the agriculturist need not be apprehensive of its effects.

Although it may be alleged that Merchants who speculate in Corn must run the risk of failure in this as well as other enterprises, yet the Cape of Good Hope is too far removed from the active scene of speculations of this kind to make it desirable that the Ports should be closed or opened according to the market price of the day. Merchants will not ship goods for a distant Port which may be closed to them on their arrival ; and they will even be indisposed to carry on commercial relations of this sort, where an uncertainty prevails as to the amount of duty to be paid.

Under these circumstances, therefore, although upon general principles I should be disposed to recommend a graduated scale of duty, I am of opinion that in the case of the Cape, a fixed duty would be more desirable.

What amount of duty would give sufficient protection to the Agriculturist is a point to be ascertained, and to this object your enquiries will be carefully directed.

A fixed rate of duty will not it is true give to the Agriculturist the same protection as a graduated scale of duty, but it is to be remembered, that though the amount of the duty be fixed, the proportion which it will bear to the price of Corn will vary with the Market price of Corn ; and therefore, in some measure, the effect of a graduated scale of duties would be produced.

I have, therefore, to direct that this question be submitted for the reconsideration of the Council in all its bearings, and that in stating the amount of duty, whether upon a graduated or a fixed scale, they will obtain all the information necessary to enable His Majesty's Government to judge how far the interests of the Agriculturist, as well as the Consumer, will best be protected; and I think it right to add that upon a subject of so much delicacy, a provisional arrangement ought alone to be made until His Majesty's Government have received such information as will enable them to form some opinion upon it. I am &c.

(Signed)      BATHURST.

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[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, 22nd August 1826.

MY LORD,—I have the honor to transmit for your Lordship's consideration a Memorial which has been laid before me for that purpose by Mr. W. H. Lys, Half Pay Surgeon to the Forces, who has for several years been employed in the service of this Colony, and who now holds under this Government the several situations of officer of health, member of the Supreme Medical and Vaccine Committees, and Surgeon to the Slave Lodge, with a salary (for the whole) of Rixdollars 4,030 or £303 15s. per annum, soliciting permission in consideration of his length of service in the Colony to resign all his situations, and retire on a pension of Rixdollars 1000, or £75 per annum, to be borne by the Colonial Treasury. I have &c.

(Signed)      RICHD. BOURKE.

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[Original.]

*Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.*

CAPE TOWN, 22nd August 1826.

My LORD,—Referring to our letter of the 7th inst., we do ourselves the honor of acquainting your Lordship that we have

this day received a communication from Captain Polkinghorne, Commander of His Majesty's Ship *Sparrowhawk* in Simon's Bay, announcing that the ship under his command is in readiness to proceed to sea, and prepared for our reception.

We have accordingly intimated to Captain Polkinghorne that we shall be prepared to embark on the 3rd of September for the prosecution of our voyage to Mauritius. We have &c.

(Signed) WILLIAM M. G. COLEBROOKE,  
W. BLAIR.

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[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 23 August 1826.

SIR,—I have to acknowledge the receipt of your dispatch No. 21 under date of the 19th of May last, enclosing an application from the Wesleyan Missionary in Kaffreland, and an explanatory communication from Lieutenant Colonel Somerset upon the subject of the wish which has been expressed to the Missionary by several of the Kaffre Tribes to reoccupy the lands which were ceded by them in the year 1819.

You will inform the Missionary that he has been deceived, if he imagines that any expectations were held out to those Tribes that the lands in question would be restored to them ; and you will admonish him not to encourage such expectations, as he would thereby become answerable for the effect which disappointment might produce in the minds of these people.

I see no objection to the Kaffres being allowed to graze their Cattle within the limits which the Governor directed should be assigned to that indulgence, which they must be given to understand, however, can only be continued so long as they shall conduct themselves peaceably ; and you will take care for the present, that neither Kaffres nor Colonists be suffered to settle in any part of the Neutral Territory. I am &c.

(Signed) BATHURST.

[Original.]

*Letter from LORD CHARLES SOMERSET to R. W. HAY, Esqre.*

48 LOWER GROSVENOR STREET, 23rd August 1826.

SIR,—In reply to your letter of the 13th instant enclosing one from Mr. John Carnall, dated 8th July 1826, which is now returned, I beg to state for Earl Bathurst's information that the assertion made by him relative to my possessing a Mortgage Bond on his estate is totally unknown to me. I have however delayed the honor of replying to your letter till my return to London in order that I might be enabled carefully to examine the whole of Mr. Stoll's accounts during the period he acted as my agent, and do not find a single item which justifies in the slightest degree Mr. Carnall's assertion, and being quite unconscious that such a debt was due to me, it is impossible that I could have given directions to my agent to institute proceedings for its liquidation.

I shall offer no remark on Mr. Carnall's complaint relative to the legal proceedings which have been adopted against him, my despatch to Earl Bathurst of the 14th February 1826, No. 271, (to which I beg to refer His Lordship), having put him in possession of these facts; neither shall I condescend to comment on the language in which Mr. Carnall has couched his present letter, but shall merely remark, with regard to the vindictiveness with which he charges me, that the only transaction I ever had with that man was that I acceded to the prayer of a memorial from him for mitigation of a sentence of the Court of Justice, which condemned him to transportation as a convict to New South Wales for five years, by substituting banishment from the Colony for the same period.

I conceive it however but justice to Mr. Stoll's character to observe that no man can be more incapable of having recourse to unnecessarily severe measures, much more to unjust ones, in the execution of any duty which may be imposed on him.

I have &c.

(Signed)      CHARLES HENRY SOMERSET.

[Copy.]

No. 21. G. R. (Signed) RICH. BOURKE.

Ordinance of His Honor the Lieutenant-Governor in Council  
for declaring the Mode of Publication of the Ordinances  
of the Governor in Council of this Colony.

Whereas it is provided by the Instructions of His Majesty's  
Secretary of State, consequent to His Majesty's Orders, issued  
by and with the advice of His Privy Council, under date the  
9th February, 1825, by which the Honourable the Council of  
this Colony is established, that on the passing of an Ordinance  
of the Governor in Council, it shall be forthwith transmitted  
for Enrolment to the Worshipful the Court of Justice: Be it  
therefore enacted and declared, That the Transmission of an  
Ordinance, after the passing thereof, to the Worshipful the  
Court of Justice as aforesaid, together with the Printing thereof  
in the Government Gazette, or the promulgation thereof in  
such other public manner as the Governor in Council shall  
direct or appoint, shall be in Law a sufficient Publication of  
the same to all intents and purposes whatsoever—any Law,  
Usage, or Custom to the contrary notwithstanding.

God save the King!

Given at the Cape of Good Hope, this 24th day of August,  
1826.

By Command of His Honor the Lieutenant Governor,

(Signed) R. PLASKET, Secretary to Government.

By Order of the Council,

(Signed) D. M. PERCEVAL, Clerk of the Council.

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[Original.]

*Letter from MR. THOMAS WILLSON to EARL BATHURST.*

STOCKWELL, 24 August 1826.

MY LORD,—At a period when I had quite despair'd to meet with any subject of business worth consideration, I have received the enclosed proposition from an almost Stranger, but whom I understand from my Brother is a most respectable Gentleman having affinity in relationship with the renowned General at the head of the Columbian Government, and possessing 3 several Mines of considerable value in that Country.

I must confess, my Lord, that I feel so diffident of entering upon any foreign speculation (with a spirit broken down as mine is by my recent disappointment at home) I can scarcely bring myself to entertain this subject at all ; but as it appears to offer the means of livelihood to numbers of starving Individuals, I cannot justify myself in wholly disregarding it, or withholding it from your Lordship, at a crisis like the present, when Humanity so loudly calls upon every good Subject to employ his mind towards National relief.

I can form no judgment as to the policy of the British Government towards the Columbian States, but I apprehend (under any circumstances of future change) a proportion of English, Scotch, or Irish population being settled in that Country must at all times afford vantage ground to the Mother Country that promotes such a Settlement, therefore my Lord before I will venture to make any reply to Colonel Mayne, I wish to satisfy myself that by accepting his Invitation, I shall have the concurrence and the good will of your Lordship ! I have &c.

(Signed)      THOS. WILLSON.

[Original.]

*Letter from MR. JOHN FOURNIER to R. W. HAY, ESQRE.*

NO. 4 EBURY STREET, PIMLICO, August 25th 1826.

SIR,—With reference to the conference you were pleased to honor me with on the 27th of May last touching my claims to

remuneration for the losses which I have sustained whilst a Settler in Africa, as set forth in my several Memorials to Earl Bathurst, bearing date 15th of September 1825 and 28th of April last, you were then pleased to propose my waiting a period of one or two Months to afford an opportunity for the arrival of further reports of His Majesty's Commissioners at the Cape to corroborate the facts which caused my ruin and led to the severe hardships and misfortunes I so long suffered there.

The period mentioned having now considerably elapsed, I have ventured, with many apologies for my being so troublesome, to recall your attention to my destitute situation, as I understood your meaning then to have been that should no further information be received in the interim, other measures would then be resorted to for verifying my claims with a view to their adjustment. And in thus presenting them to His Lordship's notice, I trust I shall not be deemed an unworthy object of his consideration, my situation being one of very peculiar severity, seeing that I am unable creditably to follow the naval profession to which I was brought up and served nearly nine years, in consequence of a partial deafness I then contracted and was originally the cause of my leaving it and embarking my fortunes in Africa.

Thus shut out from the profession to which I have been educated and depended on for an honorable sustenance, and ruined in my speculations abroad, I am from the affliction alluded to deprived of the means of seeking a livelihood in the ordinary channels of industry, and have no resource whatever but my dependence on the Benevolent and Equitable disposition of His Majesty's Government, in whose service my early life has been devoted and my misfortunes have originated.

I have &c.

(Signed) JOHN FOURNIER.

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[Original.]

*Letter from LORD CHARLES SOMERSET to EARL BATHURST.*

48 LOWER GROSVENOR STREET,

LONDON, 28th August 1826.

MY LORD,—Your Lordship having done me the honor to transmit to me the Report of His Majesty's Commissioners of Inquiry upon the misrepresentations made against me by Mr. D'Escury, I have attentively perused it with the accompanying documents, and most deeply regret that I had not an opportunity of seeing it previous to its having been transmitted to Your Lordship, as I should have had it in my power to have removed the many very serious impressions which the Commissioners seem to have imbibed on the subject, and the still more numerous, mistaken, and undue inferences which appear in the course of the Report to have been drawn from the circumstances of the case.

Knowing that Your Lordship is in possession of the particulars of the case of Mr. Redelinghuis, which is the only one that the minute scrutiny to which all my actions during a long Government have been subjected could produce, I shall not enter into any recapitulation of its circumstances or make any further preface than to assert that my decision in that case was such as any Governor ought to have made, that the land assigned to him was assigned in consequence of the Official Reports and Recommendations of the local authorities after mature investigation, and that that part of his claim which he has evinced the greatest anxiety to obtain remains undecided to this hour.

I deny that the extent is either exorbitant or unprecedented. I deny that the sale of the Horse Sorcerer, so unjustly mixed up in this accusation, had any connexion, directly or indirectly, with the Grant, and finally I say and can prove, that I engaged in the importation of Horses from no other motive than my sense of the advantage it would be to the Colony (and the result has proved that I was correct), that in a pecuniary point of view I have been a considerable loser by it, and that in the particular case of the horse which has been invidiously brought forward against me the price given was not extravagant at all when considered as a mere matter of sale and purchase, far

less such as could induce a suspicion of corrupt motives in the mind of any but those who consider that the smallest pecuniary advantage should be sufficient to set aside all dictates of honesty or honor.

I shall now proceed, My Lord, to notice the different topics of the charge against me, and first as to the Grant. It is allowed then on all hands that the Widow Louw had (by a considerable purchase made by her late husband) at least a *prima facie* case in her favor. If as the Report observes she by her late husband "possessed no other rights and privileges and no other Interest in the Estates than those that had been possessed and enjoyed by Mr. Jacob van Reenen," it is perfectly clear that she did possess *all* those Rights, Privileges, and Interests, and it was only for the confirmation of what she considered those to be that she petitioned. Amongst these the only one that excited any opposition was the exclusive right of pasturage on the Hantam Mountain. Now on this, the only disputed point, Your Lordship cannot fail to observe that I have not given any decision, but merely made a temporary arrangement, which so far from conferring any benefit on her, has actually extended the rights of her neighbours. How then can it be said that I acted with an undue Bias, when in fact the only arrangement I have made in the point under dispute, so far as it goes, prefers the advantages of others to the claim of the individual to whom I am represented as having been unjustly favorable? I have said the *temporary* arrangement which I have made, for, as I have stated above, I have made *no decision* on the subject, although passages in the Report seem dictated by such a supposition. The question is perfectly open for the decision of His Majesty's Government, or for the opinion of a Court of Law, and I have to solicit Your Lordship's specific instructions on this point.

What I have done in the whole of this case has been after a careful consideration of all the Evidence and the documents laid before me, and not from being swayed by any "Magical spell" or "incomprehensible charm," which the writer of the charges against me assigns as the causes of my decisions in one of those absurd documents of his, which would be merely ludicrous as well as contemptible from their exquisite folly, if they were not mischievous and impertinent.

2nd. As for the grants of land made to Mr. Redelinghuis, I shall not trouble Your Lordship by wading through all the puzzled detail of different Farms, Sales, Removals, and Family arrangements with which the documents before Your Lordship are clogged, as it will answer every purpose to observe upon the objections which have been urged to my conduct on this occasion. The grant is said to be objected to as being, 1st Excessive, 2ndly Contrary to Rule, 3rdly Disadvantageous to other Individuals, 4thly Too large for the Stock of the Grantee, and 5thly Injurious to the other inhabitants on account of its conveying an exclusive Right to the pasturage of the Hantam Mountain.

On the last of these (5th) objections it is unnecessary to comment, as *no right* is conveyed, no decision being come to on the question. I may add that the only order I ever made was dictated by a feeling the contrary of that which is so sedulously imputed to me, when on a representation made to me by the Deputy Landdrost of Clan William, Captain Synnot, that "Mr. Redelinghuis had abandoned his claim to the Mountain" I immediately directed that it should be thrown open to the Studs of the neighbouring inhabitants, but this decision I felt myself bound in justice to rescind as immediately, when I discovered that the information so conneyed to me was untrue and that Redelinghuis had no idea of giving up his claim.

On the cause of that false information I will speak hereafter, but I submit that it does not wear the appearance of a desire to prejudice the interests of the inhabitants, that I immediately sought to promote them when I imagined that the *legal* impediment to my so doing was removed.

As for the extent of the land, the Commissioners state that it appears to them "to have exceeded the measure of any Grant that has been heretofore made in the Colony." It is to be regretted that they should have preferred to report on information so erroneous, when they had the means of obviating the error before them. Mr. D'Escury might have informed them, and I *did* inform them (vide my letter addressed to them on the 21st September 1824) that a Grant to which he reported officially that there was no objection, viz. to Mr. Dirk van Reenen on the left Bank of the Breede River, exceeded that to Mr. Redelinghuys by upwards of 2000 acres, and in point of

locality, proximity to markets and harbours, and fertility of soil was worth at least five times the grant complained of. Extent does not alone constitute the value of a possession, and a small plot of ground if situated on the Beach and near the Custom House in Cape Town, for instance, may be of much more intrinsic value than the whole of Mr. Redelinghuys's land. If we inquire of what *that* is composed we shall find that of the 20,000 acres which look so large upon paper, the proportion of land fit for tillage amounts to 85 acres only. It is between 400 and 500 miles from Cape Town, or from any Bay. Its soil is of peculiar sterility, being a continued stony and rocky surface, and all transport of commodities for the purpose of trade out of the question. Had the Commissioners personally inspected the spot they would have been astonished that its possession could be made an object of so much disquisition.

In making the grant, I acted on the official Report of the local magistrate. That gentleman directly advised the grant. He admitted that looking merely at the number of acres, it would be too much for one individual if it were sufficiently watered, but as it was not so, a division of it would only be attended with endless quarrel.

On that opinion I acted, and were it to be done over again I should act precisely in the same manner in spite of all special pleading to the contrary. The Commissioners appear dissatisfied with my reliance on the Landdrost's (Mr. Fischer's) Report, and having pointed out what they consider to be inaccuracies in his statement as to the supply of water in the District, prefer the information received from Mr. Meiring the Surveyor, which appears to have differed from Mr. Fischer's. I am however of opinion that much more attention is due to the testimony of a gentleman whose duty it had long been to make himself intimate with all the localities of his District, than that of one whose knowledge of the place was derived from a single visit and that too in a country peculiarly dependant for its supply of water on the quantum of rain that falls, in the most variable climate in the world. No possible motive could exist to induce Mr. Fischer to make an untrue report. The opinion contained in his first report as to Mrs. Louw's capa of managing the farm was different, I own, from that exp

in his subsequent one, but although much stress is laid on this circumstance by the Commissioners, who more than once refer to his *first* report and pass by his second, I can perceive no inconsistency in the change of his opinion and report when the circumstances upon which he founded them were so materially altered in the interim by Mrs. Louw's second marriage.

As for its being too large for Mrs. Louw's Stock, I must state that it was officially reported to me that she possessed from 300 to 400 Horses and Black Cattle and 2,000 Sheep, and the printed report of the 4th May 1818 shews that even if the Hantam Mountain be included, the extent of the whole Grant is only capable of maintaining from 50 to 60 Draught oxen, 150 to 200 Breeding Cattle, 150 to 200 Horses, and from 2000 to 3000 Sheep. It appears therefore that she *had* a sufficient Stock, more especially when it is recollect that the Breeding Stock of Horses, Sheep, and Horned Cattle was annually encreasing.

With respect to the assertion made in the Report without reference to any document of the stock having diminished, even were that supposition correct (of which I can find no proof in the evidence, but on the contrary a declaration made by Redelinghuys in his evidence, that "his stock had proportionally encreased and that he had sold off the worst and retained the best) how could it be known to me ? I had an official Report from the local authority stating the contrary, dated only 16 days previous, and the Colonial Secretary, whose duty it is to detect and bring to my knowledge any inaccurate statement contained in papers brought on the Schedule for my decision, made no remark upon it ; and other sources of information I had none. Nor can I by any means agree with the Commissioners in thinking that I ought to have adopted a measure, unprecedented in the Colony, and have exacted a covenant from Redelinghuys as to the keeping up of his Stock, for I am really of opinion that such things must be left to be regulated by a man's sense of his own interest.

The other two objections, viz., that it was contrary to Rule and injurious to other individuals are both positively untrue. No Rule was violated. Redelinghuys possessed no Loan place not asked for on Quitrent, the only case to which the rule

could apply. No injury was inflicted on the other inhabitants, for none of them possessed a claim on the Land, and the only result of dividing it would have been, as the Landdrost truly observed, "to entail upon them a perpetual source of quarrel." I must add that the whole of the land here alluded to, for which the Grantee pays a considerable rent, had always been occupied (rent free) by his predecessors, and was considered indispensable to the occupation of the Loan place he had purchased.

The Commissioners regret the death of Mr. Van Reenen. No one has more cause to do so than I have, because his visits to me, which are referred to as of so much importance in the Report, had for their object to prove this very fact (he having occupied and ascertained the capabilities of the estates) viz. the absolute necessity of the Government Land in question being inseparable from the Loan places, and his visits to me were not mixed up with any other transaction whatever, and he never alluded to the purchase of a horse.

I trust I have put Your Lordship in possession of my motives in confirming the land to Mr. Redelinghuys. Its extent is not unprecedented, its value small. It was incapable of division, and the individual who was put in possession of it was the only one in that part of the country who had the means adequately to stock it. The Grant (if it be correct to call it one) was made in the regular manner on the recommendation of the proper officer. There was no underhand dealing, no irregular transaction, all was clear, open, and honorable.

I cannot, My Lord, quit this part of the subject without adverting to what strikes me as an unfair statement in the Report as connected with it. "It would have been more consistent," says the Report, "with a regard for the public interests, if, after knowing that the inhabitants of the District of the Hantam would be exposed to ruin by an exclusion from the Mountain in the seasons of sickness, His Lordship had refrained from expressing any *wish* that that privilege should be conferred to Mr. Redelinghuys."

I complain of this passage altogether. I did *not* exclude the people from the Mountain, as I have already stated; and as for my expressing any *wish* in favor of Mr. Redelinghuys, although it is repeated six times in the Report, and apparently in invidious terms, I deny it totally. I refer Your Lordship

to the document, being the only one in which this *wish* is said to be found. In that document, being the letter addressed by the Deputy Colonial Secretary to the Local Magistrate, under date the 24th December 1819, it is ordered "that an enquiry be made as to the persons who possess a right of grazing on the mountain besides Mr. Redelinghuys, with whose application, as contained in his memorial, His Excellency was disposed to comply, provided that the rights of other individuals would not thereby be affected."

Is it possible, My Lord, that a common official form of civil refusal could be distorted into an expression of a wish ? Mr. Ellis's letter, which contains the only expression upon which this often repeated and extraordinary assertion rests, simply goes to say that I was disposed to comply with the Petitioner's claim, if it should appear that no objection existed, merely an affable mode of saying that I strongly suspected that objections *did* exist. I did not conceive that any perversity could misconstrue it.

3rdly. I must now call Your Lordship's attention to the horse transactions, and first as to my motive for engaging in them at all. I solemnly assert that I was led to it from a conviction of the advantage it would be to the Colony, and the result has proved that I was correct. Pecuniary loss I was prepared to incur, though perhaps not to the extent (upwards of £4,000) which Your Lordship will find by the appendix I have reason to believe I have suffered by it. No private individual could have undertaken it as I did, not only from the great risks and losses to which the measure would expose them, but also from its being necessary to consult the circumstances of the Horse Breeders who were chiefly without Capital. To obviate this difficulty payment was not required for 3 or 5 years according to the wishes of the purchasers, in order that the produce of the animal might defray the purchase money before it should even become due ; and it is no slight satisfaction to me to know that amidst all the calamities with which those who have engaged in farming at the Cape have within the last 6 years been visited, the Horse Breeders alone have been able to sustain themselves, and I have received many testimonies of gratitude from those whose prospects I have thus so materially improved. It is therefore not a little galling to

find that what I shall ever regard as one of the most meritorious acts of my Government and what I confidently assert is so considered by the Colonists, should be urged against me in the shape of a degrading charge.

I am accused of being influenced in Government transactions by a desire of selling my horses at exorbitant prices, and with much difficulty one case is brought forward.

A more compleat case of base and unjust accusation never existed, as I hope I shall soon convince Your Lordship.

I am in fact acquitted by the Commissioners and this charge is retracted by the original accuser, yet the acquittal is accompanied with observations which render it necessary for me briefly to state the circumstances. The story may be told in a few words.

At the solicitation of the Hantam Boers I sent a horse to their part of the country (which at that time had the reputation of being the best for horse breeding in the Colony) to serve mares and *not* for sale. I was deceived by the representations of a man named Okhuysen, of whose worthlessness of character I was not then aware. For some reasons immaterial to detail, mares were not sent to the stallion when he arrived there, and I was much vexed and greatly disappointed that the services of so very superior a horse should have been thrown away. The groom would have immediately returned with the horse had shoes been procurable for him, but the long journey over an entire stony surface having caused him to cast his shoes and the injury consequent to his feet preventing his being travelled without them, the groom requested further instructions and I availed myself of Mr. Poggenpoel's proffered services to go to the Hantam and for the *first time* authorised the sale of the horse at 10,000 Rixdollars, in case it should not be safe to bring him away. The purchasers were Mrs. Louw and two other persons in equal shares, and because it happened that the man she subsequently married received an unobjectionable grant of land, for which he paid an ample rent, and which it would have been an act of gross injustice to have withheld from him, Mr. D'Escury prompted by motives which I shall soon explain, fabricated the baseless charge of my being actuated by corrupt motives.

If Your Lordship examines the Documents you will not

find a tittle of evidence to support this unjust supposition, although Your Lordship cannot fail to perceive that every sort of testimony and much too of a nature that could not be received as evidence in any Court of Law or Equity has on this occasion been brought forward. Your Lordship will find also, so far from there being any connexion between the sale of the horse and the grant of land, that after the horse was purchased the grant prayed by Mrs. Louw was not proceeded in on account of the objections started, nor did her husband receive it until those objections being obviated, the circumstances had so altered as to make it a matter of direct justice and policy to confirm it to him. No consideration could induce me to act in the corrupt manner alleged or rather insinuated ; but supposing for the sake of argument that it were possible that I could forget my character as a gentleman and a high public officer, where was the inducement in this case ? It is in proof, and it is allowed by the Commissioners in their Report, that the horse was not sold for more than his fair value, and the Commissioners in their Report state that there would be an actual loss to the vendor unless the selling price in the Colony of a horse imported from England exceeded 8,000 Rixdollars. Is it then anything exorbitant that for one of the most superior horses ever bred in any country, which all agree this horse was, and at so advantageous an age too, a sum a little above the average price should have been paid ? Your Lordship will also find that so far from its being unprecedented, a very inferior horse, named Lutwyche, was about the same period sold for a similar sum. Two of the Sorcerer horse's brothers, the Pacha and Tancred, were sold in England at 3 years old, the former for 1,000 guineas, and the latter for 1200 guineas with an additional 500 guineas contingent upon a future event, and neither of them certainly superior to the Sorcerer.

I had been offered 9,000 Rixdollars ready money for him in Cape Town, and would certainly have obtained my price from Mr. Vos had I been disposed to sell. Is it therefore credible that if sale had been my object, I would have sent a horse (only 3 years old too) a hazardous journey of nearly 500 miles where there was every risk of injuring him for the chance of obtaining £75 more, and that £75 too to be considered as a

bribe? I leave it to any man of common understanding to decide.

It is inferred that I am to be answerable for the gossiping of Mr. Poggenpoel, who is called *my* agent for the *sale* of my horses, a positive misstatement, as Mr. Poggenpoel has never been employed in the *sale* of any horses for me; but in consequence of the recommendation of the late Mr. Alexander, who informed me he had always got Mr. Poggenpoel to purchase horses for him whenever he required any, and described him as a trustworthy person and of strict integrity, he had in the first two years of my being at the Cape *purchased* several horses for me. He was on these occasions frequently entrusted with considerable sums of money, and I always found him strictly correct and fully to answer the character for integrity given him by Mr. Alexander. He is a talkative, sanguine, uneducated man, and advantage seems to have been taken of his loquacious propensity to convert idle gossip into serious intention. Much stress is laid in the Report on Mr. Poggenpoel's telling Redelinghuys that he would influence the widow to accept Redelinghuys's offer of marriage, and it is even pretended that "it was not without its effect." It would be difficult to account for any one's credulity carrying him so far as to imagine that a person in Mr. Poggenpoel's station in life, residing 450 miles distant from the person he was to influence, and whom he had probably not seen twice in his life, could sway a woman in the choice of a husband, whose pecuniary circumstances rendered her entirely independent; but it is still more difficult of belief when we find that the marriage had been resolved upon six weeks before. It is not surprising that the Commissioners should call it "ridiculous." The wonder is that they condescended to pay any attention to such silly prating at all. In the pages of Evidence referred to by them I cannot find any proof whatever of their assertion that Mr. Redelinghuys was biassed by any other motive in his recommendation to his intended wife of the purchase of the animal than the very natural one assigned by himself, that "being very fond of horses he was induced to recommend it to her, in order that when he married her he might be in possession of a very fine horse." Surely when we have this plain and obvious reason for his conduct it is only waste of time to look for other motives.

In justice to Mr. Poggenpoel I must say that I am confident that he would not have taken the liberty of discussing any subject connected with applications to Government. It is possible that in the case of Okhuysen he might have advised him (knowing that I had laid it down as a principle on which I always acted to be accessible to any one) to state his case to the Governor in person, as a means of obtaining immediate redress, but further than that I am sure he would not have ventured to go. It is remarked by the Commissioners that I ought to have considered him unfit for my service in consequence of his letter to Okhuysen. I must reply that that letter was written in Dutch and that I knew nothing about it. The only instruction he received from me was to insist upon a definite answer to the point Okhuysen had undertaken to ascertain by a particular day (which had long passed), viz. whether a sufficient number of the best mares would be sent to the horse if sent to the Hantam to justify my employing his services in that District. It appears to me after all to be a rambling ill-written composition going far beyond the instructions he received, and touching on matters quite unconnected with them, but which only the most uncandid criticism could construe into anything deserving of the heavy censure expressed against its writer. But be this as it may, I submit that I have nothing whatever to do with Mr. Poggenpoel's gossiping indiscretions, for it will be found repeatedly in the Evidence that I had always given most positive orders against such practices and always visited them with the severest displeasure when I discovered that they had occurred. In the case of Mrs. Louw I must continue to be of opinion that they had no existence at all. Inferences drawn from confused recollections ought not to be set up against what can be proved to be the undeviating line of general conduct which I insisted upon being observed, as the Commissioners themselves admit in their Report. Even if I had it not in my power to refer to the positive testimony of Mr. Poggenpoel, Mrs. Louw and Redelinghuys that I did not in this particular case allow public affairs to be mixed up with private, I should have appealed to the uniformity of my practice to the contrary ; but I must request Your Lordship to observe that Mr. Poggenpoel when solemnly abjured on oath to answer whether he had given the purchasers reason to believe that their views respecting

the Hantam would be facilitated by purchasing the horse, answers that "by the virtue of his oath he did not," an assertion corroborated by Redelinghuys and by Mrs. Louw with all the solemnity of which human testimony is capable. How any case could be stronger I cannot conceive.

I conclude my remarks, My Lord, on this part of the charge by reasserting that the price of the horse was neither exorbitant nor unprecedented, that although loss from colts being devoured by wild animals prevented the purchasers from making that large profit by the possession of so superior a horse as the present owner of him derives, yet they by no means express themselves dissatisfied with their bargain in a pecuniary point of view; that the purchase had no connection directly or indirectly with the possession of the land; that the persons most interested, namely the purchasers themselves, never imagined that it had; and finally, that the whole is the gross fabrication of a malicious conspiracy generated in the foulest and most sordid motives.

Of that conspiracy I have but a few words to say. Mr. D'Escury having been refused by me, on public grounds, a third situation in addition to two others which he held already, determined on injuring me by every means in his power. He was enabled by obtaining surreptitious access to official papers to give his fabrications an air of official authority calculated to impose on persons at a distance, and he exerted all his craftiness in framing a case which he thought would pass without examination. In the furtherance of this vindictive project he was not restrained by the slightest regard for truth or the smallest sense of decorum. When his charge came to be examined he felt the impossibility of supporting it, and with a meanness as contemptible as the motives of his malignity he endeavoured to retract his words and declared that the two transactions, the sale of the horse and the grant to Mr. Redelinghuys, were quite distinct subjects, and that it was only an accidental coincidence that made the purchaser and the grantee the same person, as is allowed even by Mr. D'Escury himself, and after such a declaration from him I cannot but be astonished that any statement from him should have been admitted or regarded.

The Commissioners have noticed one of his numerous mis-

representations, viz. that which asserted me to be the only importer of horses in the Colony. This misstatement (I forbear to characterise it by the offensive epithets which I might justly use) is detected by the Custom House return, and was a matter of such notoriety that the error must have been wilful. Yet not only his sworn evidence, but his written documents, composed in the loosest and most rambling verbiage, unchecked by the imposition of any obligation, and not subjected to cross-examination, are referred to as the foundation of charge or insinuation against me, and are unhesitatingly quoted throughout the report, as if they had been sanctioned by the oath of the writer ; and what will appear more extraordinary is, that not only was no opportunity given to me of refuting them, but their existence even was unknown to me until I received the Commissioners' Report to Your Lordship. I hesitate not to declare that any impartial person, who will be at the trouble of wading through his voluminous and absurd papers, will pronounce him to be a man whose assertions are not entitled to the slightest respect.

His conduct as developed in this case (putting aside altogether his attack upon me) has confirmed me in the propriety of refusing to place him in any situation of trust or confidence.

The Commissioners properly observe on his meddling surreptitiously with papers quite out of his line of duty; but a far more glaring proof of his unfitness for official duty is afforded by his conduct in the case of Captain Synnot. Whatever difficulty exists in the case of the Hantam mountain has been much augmented by his having had the audacity to correspond officially with a magistrate without the knowledge of his superior, and by misrepresentation induce that gentleman so far to forget his duty to the public as to transmit an untrue report for what he had been thus led to believe would be gratifying to the views of Government, and thereby to place the Governor in the embarrassing situation of being compelled to rescind a recent decision.

Such transactions are altogether unheard of by me in the long course of an official life, and the knowledge of their occurrence adds much to my satisfaction at having refused to place on the Judicial Bench a person so unworthy of confidence and

so ignorant of his duty, even though it has exposed me to his enmity.

In going over the Report I have noticed several inaccuracies which I might have corrected had I seen it previous to its having been transmitted to Your Lordship ; but I do not marvel at some of these errors. The evidence related chiefly to affairs perfectly immaterial to those who gave it, and which took place seven years previous ; and is it to be expected that such things would remain perfect in the memory ?

Mr. Poggenpoel's statement, for instance, that I wished to part with Sorcerer because he was not pleasant to ride, and that he was very fiery, are lapses of this kind, as I invariably rode him with Troops and oftener than any other horse I possessed on other occasions, and no horse could be more docile or finer tempered. Errors of this kind, and they occur in many passages of the Report, I could have set right, and I should have been able to have convinced the Commissioners, as I am ready to convince Your Lordship, by a minute examination of all the acts of my Government, that I do not deserve in any degree the reproach cast upon me in the Report "that I acted hastily in some cases and tardily in others." I am willing to abide the result of any scrutiny set on foot to prove or disprove the truth of this unguarded expression.

I regret that I did not at the time require the examination of *every* purchaser of an imported horse from me, in order that the fullest light should have been thrown on all those transactions, when my conduct would have appeared in its true colours ; but the consciousness of the charge being so entirely groundless made me neglectful of what now appears would have been important ; but I trust that the contents of the documents I have the honor to annex are sufficiently explicit and satisfactory on that point.

I shall not intrude much longer on Your Lordship's time. No one knows better than Your Lordship how my character has been assailed and vilified in every quarter where the malice of those who have enrolled themselves as my foes could hope to make an impression.

A clamour has been raised against me as being actuated by most corrupt motives, and when an investigation takes place all that can be alleged against me, during an administration of

twelve years, is a charge that I trust I may say I have proved to be at once ungrounded and malicious in itself, and brought forward from motives of personal revenge and disappointed ambition.

I might perhaps be satisfied with the acquittal pronounced by the Commissioners ; but I felt what was due to myself, to the family name I bear, to the station which I hold, as well as to the respect I owe to Your Lordship, not to rest content as long as even a whisper could be raised against me. That in the society of the Cape the slanders which I have been refuting did not go beyond the circle of those who invented them, is proved by the Evidence of different unprejudiced gentlemen, who mixing in various classes of the society never heard them, nor would they have been heard at all but for the exertions used by the same class in dispersing them.

I trust that Your Lordship is thoroughly convinced that they are totally unfounded. As for myself my conscience is clear. I engaged in the importation of English horses at the Cape for the benefit of the Colony, considering myself well qualified to do so, and in that point of view the experiment has entirely succeeded, although with a heavy personal loss to myself. I have never suffered any private transaction of mine on any occasion to warp my public conduct. I never made any grant of land, whether to Redelinghuys or to any one else, without consulting the proper authorities and guiding my opinion by my sense of public duty, and I repel with scorn and indignation the disgraceful idea that in that or any action of my life I was influenced by the unworthy motive of desiring to obtain pecuniary advantage by the sacrifice or neglect of my own honor or my duty to the King. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[The numerous annexures to this letter have all appeared on previous pages.—G. M. T.]

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[Original.]

*Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.*

48 LOWER GROSVENOR STREET,

LONDON, 28th August 1826.

SIR,—I have had the honor to receive your letter of the 15th instant, transmitting one from Lieutenant White dated the 11th instant, which I herewith return.

I am not aware of its being in my power to afford Earl Bathurst any further information relative to Lieutenant White than that contained in the letter I had the honor to address to you on the 21st ultimo. His Lordship may however expect me to make some remarks on the assertions made by Lieutenant White in this last communication, and I feel myself called upon, in the first place, to deny, in the most positive terms, having been swayed by any hostility towards Lieutenant White and to affirm that my decision was guided entirely by what I considered to be my public duty, and that the rejection of Lieutenant White's claim so far from being what he is pleased to term "arbitrary," was the result of a due consideration of the information obtained on the subject.

It is necessary for me to observe that so far from its being understood, as Lieutenant White asserts, that there would be no remuneration for the Survey Service, it was expressly stated by the Commanding Engineer to all the Officers employed on it, that they would receive eight pence for every square mile mapped, and which charge (unless my recollection betrays me most egregiously) Lieutenant White made in his accounts and received ; this however can be ascertained by a reference to the Treasury, in the expenditure of the Royal Engineer Department at the Cape for that period (1821 and 1822).

With regard to all the other parts of Mr. White's letter, I can perceive no new circumstance brought forward to make it expedient to give him an extension of Land. In a Country where Labourers are so scarce nothing can be more injurious than to grant land where there is no assurance of the labor that it will be necessary to employ on it being brought into the Colony, or in the event of its being entirely a grazing Farm, of the Grantee possessing a Capital equal to stock it advan-

tageously. Lieutenant White not only gives no assurance on these material points, but he does not even say that he intends to return to the Settlement. His Lordship would perhaps be more satisfied on the subject if He were to direct that Major Dundas, the present Landdrost of Albany, and a Heemraad, should inspect Lieutenant White's Grant and make a minute report as to what has been done in cultivation, &c., &c., and to withhold his final decision on the case until His Lordship shall have received that Report. I have &c.

(Signed) CHARLES HENRY SOMERSET.

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[Original.]

*Letter from MAJOR W. M. G. COLEBROOKE to R. WILMOT  
HORTON, ESQRE.*

CAPE Town, August 28th 1826.

MY DEAR SIR,—I have just been favored with your letter of the 17th of May, on the subject of my communication to you of the 3rd of March. The difference in the expression that I was reported to have used, from the terms of the letter that we had addressed to the Governor, attracted the particular notice of my Colleague, who had not been present, and as he considered that he had been pledged by me to more than the letter had been intended to convey, an opinion in which I coincided, I felt bound to transmit the letter to you with the explanation that accompanied it, not from any apprehension of being quizzed in the newspapers, but that Lord Bathurst might know precisely what I did say, and that which we had considered it just to declare to the Governor.

Without troubling you with any further observations on the import of the two expressions, I will merely remark that I did not think it necessary to resort to any formal explanation in the newspapers, and that so far as the acknowledgement that we made can be of the least value to the Governor, I shall always be happy to maintain the justice of it. I beg &c..

(Signed) W. M. G. COLEBROOKE.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to WILLIAM HILL, ESQRE.*

DOWNING STREET, 30 August 1826.

SIR,—I have laid before Earl Bathurst your letter of the 23rd instant ; and in returning to you the enclosures thereof I am directed by his Lordship to acquaint you for the information of the Lords Commissioners of His Majesty's Treasury that upon the receipt of your former letter upon the same subject, his Lordship instructed the Officer administering the Government of the Cape of Good Hope to take measures for liquidating the debt due from that Government to the Military Chest up to the 24th of June 1825. I am &c.

(Signed)      R. W. HAY.

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[Original.]

*Letter from LORD CHARLES SOMERSET to EARL BATHURST.*

48 LOWER GROSVENOR STREET, LONDON, 31st August 1826.

MY LORD,—Having been favored with a perusal of the supplementary Report addressed to your Lordship on the 14th December 1825 by His Majesty's Commissioners of Inquiry at the Cape of Good Hope, relative to Mr. B. Burnett's petition to the House of Commons ; and perceiving on an attentive review of that document that many circumstances connected with the Colonial Currency have neither been referred to nor mentioned, which would greatly elucidate that subject, and place my conduct far above the suspicions unjustly cast upon me, I feel myself called upon to submit the following remarks to Your Lordship :—

The Report is divided into 12 paragraphs and my comments follow in the same order.

No observation is required on the first and second paragraphs, as they are merely descriptive of the mode in which the Commissariat negotiates its bills on England.

With regard to the third paragraph, I affirm that the earnest

efforts which it will be proved I have invariably made to keep down the rate of exchange, and my avowed conviction of its injurious operation on the Colonial interests, sufficiently protect me from the suspicion of contributing my influence to raise it.

The truth of the implication that the existence of a private interest is likely to impair the faithful performance of a public duty may admit of equal question with the propriety of its present application ; but I must regret that a testimony which otherwise negatives, in a way highly gratifying to my feelings, the improper influence ascribed to me, should be attended by an admission so worded as to give colour to uncharitable presumptions.

It may be deemed perhaps superfluous to comment on the 4th, 5th, 6th, 7th, and 8th paragraphs, since their contents are fully explained and answered by the 9th and 10th, which completely exonerate my conduct.

Yet conscious of having exercised the trust reposed in me on public and disinterested principles, I am with astonishment apprized that a belief is supposed to exist of my having aimed at the depreciation of the Colonial Currency, a belief which until the perusal of Mr. Burnett's petition I never heard of ; and although the candid avowal of the Commissioners relieves me from the necessity of refuting the charge, I beg notwithstanding to solicit Your Lordship's attention to the statement by the officers at the head of the Commissariat Department of their motives for recommending the rejection of the tenders indirectly made by Mr. Ross, after he had withdrawn a former one.

The propriety of this recommendation is in my opinion so strongly established, that it would have been a gross dereliction of duty on the part of those officers had they refrained from submitting it, and a still greater one in me had I refused its adoption.

As the assertion in the 6th paragraph is unsupported by any evidence, or reference to any document whatever, I must regard it as groundless and erroneous. For I cannot believe any respectable member of the commercial Body at the Cape to be so entirely ignorant of the ardent desire I have at all times expressed, publicly and privately, and which has been invariably evinced by my public acts, to discover and adopt every measure

which could tend in the most remote way to lower the exchange. There is not a person who has the slightest acquaintance with me, or with the system and policy of my administration, who is not aware of my anxiety and of the exertions I have used to accomplish this end.

From whence the idea of my exercising an influence over the Discount Bank has sprung I am at a loss to conjecture, unless the circumstance of the Colonial Government having been for a considerable period in arrear for Colonial disbursements to the Commissariat Department, and paying such sums into the Military Chest as were from time to time disposable for the liquidation of the claim, has been perverted into "influence exercised by the Governor over the Discount Bank."

The 11th paragraph requires no comment. I proceed therefore to the last and most important one of the Report, and had the facts, which I shall now state to Your Lordship, been adverted to by the Commissioners they must not only have pronounced my justification in the most ample and explicit terms, but have given me due credit for my exertions to correct the evil complained of.

The depreciated value of the Colonial Currency, and the unsettled state of the exchange, evils antecedent in their origin to my administration, have augmented and been prolonged by a variety of causes out of my power to control. The exchange between the Cape and England of course continually varied according to the increase or diminution of the commodities respectively exported. The extensive reduction of the Military and Naval force, the failure in the wine trade, the succession of blights in the harvests (rendering it necessary to import that which had hitherto been regarded as one of our principal staple commodities of export), all tended to decrease the exports; whilst the enlarged demand for British goods, arising in some measure from the introduction of a British population, led to a considerable increase of imports, and of course proportionally to raise the exchange against the Colony. Nor will it be denied as a general proposition that in any country a similar coöperation of these causes must equally affect the exchangeable value of its currency.

Shortly after my assumption of the Government my attention was directed to the unfavourable effects of the exchange in

pecuniary negotiations, and by the accompanying letter from Assistant Commissary General Rogerson, dated 8th October 1825, Your Lordship will perceive that the practice which was established, and had invariably prevailed under my predecessors, of calculating the rate of exchange at which the civil salaries were paid, upon the average of the three highest tenders of the current quarter, was directed to be discontinued ; and the general average of all the tenders accepted within that period was substituted as the standard by which those payments were thenceforward to be regulated, an arrangement beneficial to the Colonial Finance, although injurious to the interests of those whose salaries were computed in sterling money, and to no one in so great a degree as myself.

My next effort to defeat the effects of this increasing evil was in addressing two despatches to Your Lordship on the subject, under date 21st May and 25th June 1816, pointing out the mischiefs that must inevitably ensue unless some effectual measures for its remedy were adopted by His Majesty's Government.

When in England in 1821 I recommended to the Chancellor of the Exchequer (and the measure was adopted in consequence) that no further supply of Spanish dollars should be sent out for the payment of the troops on the Cape station, but that henceforth they should be paid in currency obtained by giving bills on the British Treasury. This measure ensured an increase of nearly £100,000 per annum of the best export, and consequently lowered the exchange in favor of the Colony to that amount.

These then, my Lord, are facts beyond the reach of misconstruction, they will establish my anxiety to remove the causes from which the difficulties complained of flowed ; they prove that every means possessed by the Local Government were resorted to to obviate their pernicious consequences ; and that though the amendments I introduced were limited in their operation, they were meritorious in their motive and beneficial in their effect. They will attest and place beyond dispute that the disinterested spirit with which these objects were pursued is incompatible with the supposed existence of any mercenary considerations.

Yet it would appear from the concluding paragraph of the Report that these are circumstances with which its authors

were unacquainted. I cannot otherwise account for the omission of such a train of vindicating facts, or for the very extraordinary expression with which that paragraph terminates. I know not to what part of the internal economy of the Cape the imputation of a "profitable wrong" is meant to be applied. An undue appropriation of the revenue is a charge so odious and revolting that I cannot suppose it to be inferred; or even admitting the possibility of such a suspicion being entertained it would at least I conclude have been denoted with precision.

The negotiations of the Commissariat, though liable to the superintendance of the Commander of the Forces, are independent of his influence, which from motives unconnected with the public welfare it might be desirous to exert; and the character of the gentlemen by whom it has been conducted during the whole of my command excludes the idea of their conniving in corrupt or clandestine speculations.

The individual or class of individuals to whom this profit could have accrued are quite beyond my conjecture; for although the alledged discredit be confined to the Colonial Government, the spontaneous concession I was making of a considerable portion of my public income is, as far as respects myself, an answer to the imputation, and I am not aware of any separate interest subsisting in any of the subordinate employments.

Such, my Lord, is the substance of the explanations which certain passages of this Report have seemed to me to require. I have proved that the depreciation of the Currency is ascribable to causes over which the Colonial Government had no controul; that measures were adopted to rescue its value from increasing diminution; that those measures received the sanction of the British Cabinet; that they originated with myself; that framed upon an equitable principle, and animated by a public spirit they induced the sacrifice of personal emolument to the claims and exigencies of the community, and that they were beneficial to the Settlement for whose advantage they were designed.

I trust, my Lord, that these facts, which have been (so unaccountably) omitted in the Report of the Commissioners are convincing proofs to your Lordship that to whomsoever the expression of this "profitable wrong" may be intended to

allude, it cannot be applied to any part of my conduct, and that I shall have the consolation of learning from Your Lordship that you entirely acquit me, and approve of my exertions in the public interests on this head. I have &c.

(Signed) CHARLES HENRY SOMERSET.

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[Office Copy.]

*Letter from R. W. HAY, ESQRE., to MR. JOHN FOURNIER.*

DOWNING STREET, 31 August 1826.

SIR,—I have laid before Earl Bathurst your letter of the 25th instant, and I am directed to acquaint you in reply, that it is not in his Lordship's power to form any opinion upon the merits of your case, until the arrival of the report of the Commissioners of Enquiry which has not yet been received.

I am &c.

(Signed) R. W. HAY.

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[Copy.]

Local Ordinance. (Signed) RICH. BOURKE.

Ordinance of His Honor the Lieutenant-Governor in Council,  
For establishing a TOLL at DU TOIT'S KLOOF, in the  
District of Stellenbosch.

Whereas a certain Pass in Du Toit's Kloof, in the District of Stellenbosch, in this Colony, called the Kleigat, has been made passable for Persons on Horseback, and for Cattle, by the labour and pains and at the expense of Mr. Detlef Seigfried Schönfeldt ; and whereas it is expedient that the said Pass, called the Kleigat, be maintained in good order and repair, for the use of His Majesty's subjects, and all other persons frequenting those parts : Be it therefore enacted, That it shall

and may be lawful for the said Detlef Seigfried Schönfeldt, his Heirs and Assigns, to erect a Toll Bar or Gate at the Kleigat as aforesaid, and there to demand and receive a certain Toll, as set forth in the Schedule hereunto annexed, from all Persons on Horseback, or driving or leading Cattle through the said Toll Bar or Gate.

II. And be it further enacted, That if any Person, not legally exempted from the payment of Toll, shall decline or refuse to pay the said Toll on demand thereof, it shall and may be lawful for the said Detlef Seigfried Schönfeldt, his Heirs and Assigns, or for any Person or Persons duly appointed by him or them, to close the said Bar or Gate, and prevent such Person from passing through ; and in like manner to prevent the passage of any Cattle for which the Person in charge of such Cattle may refuse to pay the Toll : And any Person not having paid the Toll on demand as aforesaid, who shall attempt forcibly to pass through such Toll Gate, or forcibly to lead or drive any Cattle through it, shall forfeit the Sum of Five Pounds, on conviction thereof before the Court of Landdrost and Commissioned Heemraden of the District.

III. And be it further enacted, That there shall be placed at the said Toll Bar or Gate, a Board with the Table of Tolls painted thereon, in large and legible characters, in the English and Dutch Languages ; and it shall not be lawful for any Person to demand or receive Toll at the said Bar or Gate, unless the Table of Tolls, as aforesaid, be affixed in some conspicuous manner near it, under a penalty of Forty Shillings, to be sued for and recovered before the Court of Landdrost and Commissioned Heemraden as aforesaid.

IV. And be it further enacted, That any Person who shall break down, injure, or deface the Toll Bar or Gate, or the Table of Tolls, as aforesaid, shall forfeit the Sum of Five Pounds, to be sued for and recovered as aforesaid : Provided always, and it is further enacted, That all Military Officers and Soldiers on Duty, all Persons carrying the Mails, and all Persons leading or driving Cattle from and to any of the Places in the Field-Cornetcies of Klein Drakenstein, Waggon makers Valley, and Groeneberg, such cattle being the property of the Inhabitants of the aforesaid Places, possessing Cattle Places in the District of Worcester, shall, together with the

Cattle which they may so lead or drive, pass the aforesaid Toll Bar or Gate without being subject to Toll.

V. And be it further enacted, That it shall and may be lawful for the said Detlef Seigfried Schönfeldt, his Heirs and Assigns, to demand and receive the Tolls set forth in the Schedule hereunto annexed, from the first day of October next, in the present year 1826, to the 30th September of the year 1831, and no longer : Provided always, that if the said Detlef Seigfried Schönfeldt, his Heirs or Assigns, shall neglect to keep up the Road or Pass through the Kleigat, as aforesaid, in good order and repair, it shall and may be lawful for any Person whosoever, to serve a Notice on the said Detlef Seigfried Schönfeldt, his Heirs or Assigns, requiring him or them to repair the Road through the said Pass ; and if the said Detlef Seigfried Schönfeldt, his Heirs or Assigns, shall refuse or neglect so to do, it shall and may be lawful for such Person to present a Memorial, complaining of the bad state of the Pass, as aforesaid, to the Commissioners of Circuit at Worcester, who shall examine upon Oath, in a summary manner, into the truth of such complaint ; and if it shall evidently appear to them, that the Road through the said Pass has been let out of repair, so as to become dangerous to Travellers on Horseback, or to Cattle passing thereon, then and in such case the Commissioners of Circuit, as aforesaid, shall order the Toll Bar or Gate to be removed ; and it shall not be lawful from that time forward for the said Detlef Seigfried Schönfeldt, his Heirs or Assigns, to demand or receive any Toll whatsoever at the said Pass, called the Kleigat,—any thing in this Act to the contrary notwithstanding.

God save the King !

Given at the Cape of Good Hope, this 31st Day of August, 1826.

By Command of His Honor the Lieutenant-Governor,

(Signed) R. PLASKET, Secretary to Government.

By Order of the Council,

(Signed) D. M. PERCEVAL, Clerk of the Council.

*Schedule of Tolls, to be levied at the Kleigat, under the Ordinance,  
No. 1, (Local), of the 31st August, 1826.*

For every Person on Horseback, . . . . .	d. 2½
For every Led Horse . . . . .	1
For every Head of Cattle below Five, . . . . .	½
For Five and not exceeding Nine, . . . . .	2½
For every Ten, . . . . .	3
For every Five Sheep or Goats, or any less number, . . . . .	1

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[Original.]

*Memorial of Mr. J. W. Stoll.*

To the Right Honorable the Earl Bathurst, K.G., His Majesty's  
Secretary of State for the Colonies.

The Memorial of J. W. Stoll of Cape Town, Cape of Good  
Hope, humbly sheweth

That your Memorialist has been in the Civil Service of the  
Government of this Colony since the year 1803, and during  
that period has filled various situations under the several  
administrations of their Excellencies Sir David Baird, the  
Honorable H. G. Grey, Lord Caledon, Sir J. F. Cradock (now  
Lord Howden), Lord C. H. Somerset, and Sir R. S. Donkin.

That your Memorialist at present enjoys the appointment of  
Landdrost of the Cape District, together with that of His  
Majesty's Receiver General, to the former of which he was  
nominated on the 7th of August 1814, and to the latter on the  
9th of April 1819.

That your Memorialist was in May 1825 further honored by  
a seat in the Council of this Colony.

That your Memorialist, being led to believe from reports  
which have prevailed on the subject that in the arrangements  
projected for the future Civil Establishment of the Colony all  
Civil Servants will be precluded from holding one situation in  
conjunction with another, most respectfully solicits, in the  
event of such a regulation being established, that your Lord-

ship, in consideration of the length of service of your Memorialist, will graciously be pleased to allow him to retain the situation of Receiver General (he having now held it for upwards of seven years) under its present or any other designation, in preference to that of Landdrost of the Cape District, and at the same time that your Lordship will preserve your Memorialist's interest from any injury to which he may be subject by the election which he now ventures to submit to your Lordship's favourable consideration.

And your Lordship's Memorialist as in duty bound shall ever pray &c.

(Signed) J. W. STOLL.

CAPE TOWN, 31<sup>st</sup> August 1826.

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[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, September 1<sup>st</sup> 1826.

MY LORD,—I have the honor to transmit to your Lordship a list of items of increased expenditure incurred in the Establishment and fixed contingencies of this Government during the quarter ending 30th June last. These expences appeared to me indispensably necessary for carrying on the public service, and that to have delayed the measures which occasioned them would have been prejudicial to the public interest for the reasons I have already submitted to your Lordship. I have therefore to hope they may obtain your Lordship's sanction.

As the principal expense has been occasioned by the establishment of the Sitting Commissioner's Office in Cape Town, I may be allowed to observe here that it has already answered beyond expectation and promises to be of the greatest benefit to the Police of the Town. Petty offenders are now brought immediately to trial, instead of crowding the prisons for weeks as was formerly the case. At the request of the Court of Justice an Ordinance is preparing to declare that petty larcenies are to be tried in this and similar courts, which will be another great improvement in the administration of criminal law in this Colony.

The increased expense reported in the Printing Office was authorised before I took charge of this Government. I believe the appointment of the new compositor was quite necessary. I have made some reduction in that office, and perhaps it may hereafter be susceptible of further retrenchment.

It would be very desirable that in conformity to the suggestion contained in your Lordship's despatch of the 21st April last (No. 264) some permanent arrangement was made for the fixed establishment of the several offices in this Colony, and I presume the Commissioners of Inquiry in compliance with their instructions are prepared to recommend to your Lordship an arrangement to this effect.

I do not conceive there would be much difficulty in declaring annually the fixed establishment for the ensuing year, from which no deviation should on any account be allowed; but periodical changes will doubtless be necessary in a Colony where the population is augmenting and the wants and wishes of the people taking new directions.

Whilst forwarding according to instructions this account of the increased expenditure of the last quarter, I have thought it right to recapitulate the reductions which have been made in the same period. The enclosed List will shew your Lordship that they amount to £851 8s. per annum.

I have also to remind your Lordship that the exporters of wine have been relieved from the duties levied in the Wine Taster's Office. These produced an average revenue for the last three years of £1,329 16s. 3d. whilst the expense of collection amounted to £397 2s. 9d. per annum. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure 1 in the above.]

*List of Increases to the Salaries of the Civil Servants on the Establishment of the Government of the Cape of Good Hope made during the Quarter ending 30th June 1826 which require the Sanction of His Majesty's Secretary of State for the Colonies.*

W. R. Johnstone, Compositor in the Printing Office. Date of encrease April 11. Present salary £75 per annum. Proposed

encrease to present salary £25. Remark : On a vacancy occurring among the compositors of the printing office in June 1825, it was deemed necessary to procure a competent person regularly brought up to the business from England, and £100 a year was authorized to be held out as a salary to such a person who would contract with Government for three years. Mr. Johnstone arrived in consequence. N.B. The situation of Editor of the *Gazette* has been abolished, and the pay of Translator reduced from 30th June last.

Boat's crew of the Port Office Establishment. Coxswain. Date of encrease April 14. Present salary £30 per annum. Proposed encrease £18. 6 Seamen. Date of encrease April 14. Present salaries £27 per annum. Proposed increases £18. Remark. The Government being anxious to render the Establishment of the Port under the late appointed Deputy Port Captain as efficient as possible, and it having been reported impracticable by that Officer to obtain the services of able seamen at the rate of wages formerly allowed, the addition to the salaries of the boat's crew has been made. N.B. The situation of Deputy Port Captain has been abolished from the end of June last, and the Port Captain now acts in person.

Mr. Borchards, Permanent Sitting Commissioner of the Court of Justice. Date of encrease June 12. Present salary £318 15s. Proposed encrease £181 5s. Remark : Lieutenant Governor's Despatch to Earl Bathurst No. 17 fully explains the grounds upon which this situation was created.

#### NEW APPOINTMENT.

Mr. A. Berrange, Clerk to the Permanent Sitting Commissioner. Date of appointment June 30. Salary £100 per annum. See foregoing Remark.

#### ITEM OF EXPENDITURE OF A FIXED CONTINGENT NATURE.

Boat's Crew of the Port Office Department. From April 14. Allowance for house rent £22 10s. per annum. Remark : The Government being anxious to render the Establishment of the Port under the late appointed Deputy Port Captain as efficient as possible, this accommodation to the boat's crew was

authorized in consequence of the representation from the late Deputy Port Captain of the necessity of having them lodged in a fixed place where they may always be found if their services should be required during the night.

By Command.

(Signed) RICHD. PLASKET, Sec. to Government.

[Enclosure 2 in the above.]

POST OFFICE, April 7, 1826

SIR,—I beg leave for your information to state the present boat's crew of this Establishment is perfectly incompetent to the duty of boarding ships in stormy weather or of communicating with vessels in distress. Able men will not engage at £2 5s. per month, while the merchants are giving £4 10s. per month. Allow me, Sir, to solicit the Hon'ble the Lieutenant Governor's permission to raise the wages to £3 15s. per month and to hire a sufficient room for the crew that they may be night and day at command, the estimate of which I have the honor to enclose :

Six men at £3 15s. per month	.	.	.	.	.	.	£22 10 0
Cockswain	.	.	.	.	.	.	4 10 0
Rooms sufficient for the Crew contiguous to the office per month	.	.	.	.	.	.	1 17 6
							_____
							£28 17 6

I have &c.

(Signed) G. M. PEDDER, D.P. Captain.

The Hon. Sir R. Plasket.

[Enclosure 3 in the above.]

*List of Reductions in the Civil Establishment of the Government of the Cape of Good Hope ordered between the 1st April and 30th June 1826 and to take effect from the latter period.*

In the Department of the Wharfmaster, per annum . . . . .	£170 0 0
In the Printing Office . . . . .	35 10 0
In the Office of the Registrar and Guardian of Slaves . . . . .	56 5 0
In the Department of the Inspector of Lands and Woods . . . . .	27 0 0
Storekeeper at Port Elizabeth . . . . .	54 15 0
In the Boat Establishment at Saldanha Bay . . . . .	85 10 0
Do.                          Port Elizabeth . . . . .	27 0 0
Do.                          Mossel Bay . . . . .	148 10 0
Do.                          the Knysna . . . . .	174 0 0
Do.                          Plettenberg's Bay . . . . .	72 18 0
	-----
	£851 8 0

[Original.]

*Colonial Debt.*

Total amount of Paper Currency in circulation to the 1st September 1826 . . . . .	Rds. 3,099,204 5 sks. or £232,440 6 11
Loan from the British Treasury for the relief of the Inhabitants who had suffered losses by the Storm in 1822 . . . . .	35,097 10 7
	-----
Total Debt of the Colony . . . . .	£267,537 17 6
Amount of Long and Short Loans recoverable by the Lombard Bank . . . . .	Rds. 1,385,255
Loans granted to Agriculturists in the year 1822 recoverable by the Bank . . . . .	200,000
Loans granted to Agriculturists and others who had suffered from the Storm in the year 1822, recoverable by the Boards of Landdrost and Heemraeden . . . . .	148,846
	-----
Total of Loans recoverable . . . . .	Rds. 1,734,101 or £130,057 11 6
	-----
Balance of the Debt of the Colony . . . . .	£137,480 6 0

[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, 2<sup>nd</sup> September 1826.

MY LORD,—I have had the honor to receive your Lordship's despatch of the 13th April last, (No. 260) addressed to Lord C. Somerset, enclosing communications from the Board of Treasury and the Commissioners of Colonial Audit, relative to the accounts of Sir Rufane Donkin, as Acting Governor of this Colony, from 14th January 1820 to 30th November 1821 ; and in obedience to your Lordship's directions, I return the lists of surcharges on the Acting Governor's accounts, accompanied by such explanations as the accountant in the Secretary's Office has been able to furnish, and which will I hope appear satisfactory.

Your Lordship will perceive that the objections made to several of the payments appearing in the lists adverted to are removed by the explanations annexed, and that the balance due by Sir Rufane Donkin is thus reduced to the amount of overpayments, for the recovery of which measures have already been taken.

Some of the charges having received your Lordship's sanction, and others being a recapitulation of those respecting which detailed information has been transmitted to your Lordship, a reference has been made in these cases to such approval, or to the further explanation given by Lord C. Somerset.

Your Lordship may think it extraordinary that I should have referred these papers to the Accountant in the Chief Secretary's Office, instead of to the Auditor General ; but the fact is, that for many years the Finance Book, as it is called, has been kept by a special accountant in the Secretary's Office, and from this book have the statements been annually abstracted, whilst the vouchers and sub-accounts have been furnished by the Auditor. Hence it has happened, I presume, that the balance returned in the statement has not been the true balance in the Receiver General's hands.

To avoid any confusion, (as far as relates to my account whilst in charge of this Government,) I shall debit myself with

the balance in the Receiver General's hands at the time of my being left in charge, and account for that sum and all subsequent receipts. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure 1 in the above.]

*Answers to Queries arising on the accounts of SIR R. DONKIN as Acting Governor of the Cape of Good Hope from 1st January to 30th November 1821, and proposed for explanation in annexure marked A, transmitted in EARL BATHURST'S Despatch of 13th April 1826.*

The proceeds of Chelsea Farm were appropriated by the Acting Governor as a donation to the Districts of Albany and Uitenhage, for the purpose of enabling those provinces to meet the extraordinary expenses thrown upon them in the year 1821, and Sir R. Donkin's grounds for disposing of these proceeds in the manner stated are explained in the letters which he addressed at the time to the Landdrosts of the Districts in question. Chelsea farm was sold for Rixdollars 18,000, and this sum was divided between Uitenhage and Albany in the following proportion, viz. rixdollars 10,000 to the former and rixdollars 8,000 to the latter, each subject however to the amount of discount which the Bank charged for discounting the Bond given for the payment of the farm. The amount was carried to the credit of the treasuries of the respective districts, and accounted for together with other items in the Districts' accounts rendered in 1821.

[Enclosure 2 in the above.]

COLONIAL OFFICE, 27th August 1821.

GENTLEMEN,—In reference to your letter of the 9th of May last in which you represent the state of your Treasury, and its inadequacy to meet the current expenses of the District, I am directed by His Excellency the Acting Governor to acquaint you that His Excellency has taken the same into his serious consideration, and the result is that His Excellency feels unwilling to sanction further burthen upon the inhabitants of

your District, which as you correctly observe has suffered more severely than others from the circumstance of its frontier position, and the consequent effect of its exposure to the hostility and depredations of the Caïres ; but moreover the amount of the proposed tax upon slaves within your district would be so inconsiderable as not to afford any effectual relief to your finance. The further measure which you have suggested is also one which cannot meet His Excellency's entire acquiescence, inasmuch as it cannot be considered as one which could correctly be ceded. In fact, if His Excellency were to give up the Land Revenue of the District, for any extensive period, he would be alienating the permanent resources of the General Government, an effect which was not contemplated when a measure somewhat similar to your present proposal, was partially acted upon on a former occasion. Under these circumstances His Excellency has come to the resolution of assisting your District by an appropriation of a particular sum at once, not as a loan but as a gift to the District, and he has therefore directed that the late sale of the Chelsea Farm should be appropriated to the immediate wants of the two Districts of Uitenhage and Albany in the following proportions : Rds. 10,000 to Uitenhage and the remainder to the Albany District, both subject however to the deduction of the amount of Discount for the time the Bond has to run, the payment not becoming due till the 15th July 1822, the amount therefore which is payable at the Bank on your Moiety is Rds. 530 4 and the sum which will remain on your account will be Rds. 9,469 4. This amount therefore will be payable to your agent whenever you shall give an order on the Bank to that effect. His Excellency will also assent to your reserving the Rents on new lands within your District until the end of the year 1823, after which the amount must be paid into the hands of the Receiver of Land Revenue as other Rents of Lands are.

His Excellency trusts you will find this arrangement effectual for the wants of your District, and that it will convince you of his anxiety for its welfare ; no debt is entailed upon you, as would have been by the measures you proposed, and the increased Land Revenue is made applicable to the expenditure of the two next following years, which will give the District time to recover from its sufferings and losses, and enable it

thenceforward to rest upon its own resources, as other Districts do, and as the regulations of the Colony point out that each District should. I have &c.

(Signed) C. BIRD.

The Landdrost and Heemraeden of Uitenhage.

[Enclosure 3 in the above.]

COLONIAL OFFICE, 31st August 1821.

SIR,—His Excellency the Acting Governor having taken into his consideration the state of the finance of the Albany District, and its present inadequacy to meet the current demands upon it, I am directed to acquaint you that His Excellency has determined to appropriate a proportion of the late sale of Chelsea farm as a donation to the District, for the purpose of enabling it to meet its immediate and daily expenses. The amount for which the Chelsea farm sold is Rds. 18,000, and this sum His Excellency has directed to be divided between the Districts of Uitenhage and Albany in the following proportions, viz. Rds. 10,000 to the former and Rds. 8,000 to the latter, each subject however to the amount of Discount which the Bank has charged for discounting the Bond given for the payment of the Chelsea farm, which will only become due on the 15th July 1822. The discount therefore amounts to Rds. 424 3, and the net sum which you will have to receive is Rds. 7,575 5.

In appropriating this as an addition for this year to the ordinary receipt of the District, His Excellency hopes he will have sufficiently provided for the object in view, and particularly when it is considered that the first expense of the public buildings required for the convenience of the District Magistracy is borne by the General Government, provided such buildings are erected with His Excellency's previous concurrence and approval of the estimates. I have &c.

(Signed) C. BIRD.

Major J. Jones, Landdrost of Albany.

[Enclosure 3 in the above.]

Chiefly references to despatches, which it would be useless to give now.—G. M. T.

[Enclosure 4 in the above.]

*Proclamation by LORD CHARLES SOMERSET.*

Whereas it has been represented to me that much injury and damage have arisen from permitting private Individuals to make use of the Government Cranes upon the Wharf at their own discretion, and from the want of some public Regulation in the use thereof, and of some arrangement under the authority of Government for the furnishing of proper Tackle at the Wharf for embarking and disembarking Stores and Merchandise. And it has also appeared to me upon examination, that it would contribute greatly to general accommodation, if the Surface of the Wharf were constantly attended to by appropriate officers, so that the danger to which Passengers and others are now frequently exposed in traversing the same, may by timely attention be obviated: I have therefore judged it expedient to appoint a Wharfmaster, under the control and direction of the Custom Department, whose business it shall be, among other things, to procure, keep in readiness, and issue to such Persons as embark or disembark Stores or Merchandise at the Wharf, proper tackle for their accommodation, and to cause them to be kept in constant and sufficient repair, it shall be also his duty to see that the Surface of the Wharf is repaired the moment it shall be requisite, and further to inspect and report, from time to time, upon its general state and security, until such time as it shall be found practicable to follow up the intention of throwing out a new Stone Wharf.

Now, in order to cover the expenses that this measure will render necessary, I have thought proper to sanction the collection of the undermentioned Rates of Wharfage from those persons who shall make use of the Public Wharf, or of the Cranes, viz. :

For the embarkation or disembarkation of every Horse,

5 Rixdollars, for all other Cattle, 1 Rixdollar each, for Sheep and Pigs, 2 Skillings each, for a Pipe, case or Package of half a Ton, 1 Rixdollar, for a half pipe, or other cask, 4 Skillings.

And that no person may plead ignorance hereof this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 1st day of April 1819.

(Signed)      C. H. SOMERSET.

[Enclosure 5 in the above.]

CAPE Town, 20<sup>th</sup> July 1826.

SIR,—I have the honor to acknowledge the receipt of your letter of the 16th ultimo on the subject of the Pension allowed me as late Landdrost of George, and requiring me to transmit a statement of my public services for the information of Earl Bathurst His Majesty's Principal Secretary of State for the Colonial Department.

In obedience thereto I beg to state for the information of His Honor the Lieutenant Governor that I entered the Dutch military service in the year 1774, and remained therein until this Colony was surrendered to His Britannic Majesty in 1795. That I was appointed Director of the Bank in 1804, and promoted to the situation of Landdrost of George in 1811, in which situation I continued to the year 1819, when in consequence of old age and infirmities a pension was granted to me by His Excellency Lord Charles Somerset of Two Thousand Rixdollars per annum.

I have now under the blessing of God attained the age of seventy-two. Family I have none, but owing to the very weak state in which I now am, and having experienced a very severe fit of apoplexy, which has rendered me incapable of helping myself, or leaving the house, consequently increases an additional expense in my establishment.

Humbly trusting the foregoing circumstances may be represented to His Majesty's Home Government, with such further remarks as may strengthen the justice of my pension being

continued, having no other means of supporting myself in my present incapable state, I have &c.

(Signed) A. G. VAN KERVEL.

The Hon: Sir R. Plasket.

The remaining enclosures are of no value now, and consequently I have not copied them.—G. M. T.

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[Original.]

*Letter from MR. T. R. TURNER to SIR ROBERT PEEL.*

*September 2nd 1826.*

SIR,—I beg leave to inform you that I was informed you are about to send out a fresh supply of people into the Cape of Good Hope, to inhabit that part of the kingdom. If so, I should be glad if you will have the kindness to favour me by the return of post upon what conditions you send people there, as there are many persons would have no objections to go and settle there providing that it would be worth their while to go there. Pardon me Sir for these few lines which I do now intrude upon your time, and permit me to subscribe myself &c.

(Signed) T. R. TURNER.

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[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT House, CAPE Town, *September 4th 1826.*

MY LORD,—I have the honor to forward to your Lordship the copy of a Memorial addressed to me by the Dutch Inhabitants of the District of Albany, praying for the appointment to that Province of a resident clergyman of their church, an application which I beg to recommend to your Lordship's early and favorable consideration. The salary from the Colonial Treasury is £150 a year, to which should be added a moderate

sum for House Rent. The salary usually given from the Colonial Treasury to a Church Clerk is £13 6s. 7d. per annum, and if a Schoolmaster also it is usually £30, the District finding him a house. The whole charge on the Treasury will not in this case exceed £220 per annum. It is proposed that the English Church in Graham's Town should be used by the Dutch congregation, in the same way that the Dutch Church in this Town is used by the English. The expense of its erection has been defrayed by the Colonial Treasury, but there is a Church Rate collected in the District from all farm places and houses, amounting in this year to about £100, and which is likely to encrease and will be appropriated to the repayment of the advance from the Colonial Treasury. On this being accomplished the rate will be reduced to what may be sufficient for keeping the Building in repair and paying other contingent charges relating to it.

I have further to state that there is a vacant Living at George, and if your Lordship shall approve of filling it up and of appointing to Graham's Town also, it will be advisable to send over two of the Scotch Gentlemen who have educated for this Colony, as I do not know of any persons now here capable or desirous of holding these Situations. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure in the above.]

To His Honor Major-General Richard Bourke, Lieutenant-Governor of the Cape of Good Hope, &c., &c., &c.

The Memorial of the Dutch Inhabitants of the District of Albany Humbly Sheweth

That Memorialists being sensibly alive to the temporal and Spiritual Interests of themselves and families, and deeply impressed with the sense of Religious instruction being the best means of raising the moral character of a People, Memorialists therefore cannot but feel their present destitute condition in being without the means of joining in the public celebration of Religious Worship, and in not having among them a Clergyman who would illustrate and explain in their

mother tongue the doctrines of their religion, and whose example might stimulate them to acts of piety and virtue.

That this feeling is rendered the more acute by contrasting their situation with that of their fellow colonists the British Inhabitants, whose welfare in this respect has been consulted by the appointment of a Clergyman of the Church of England and the erection of a commodious and spacious Edifice for the celebration of Divine Worship.

That Memorialists beg leave to bring to the notice of your Honor the peculiar hardship of their case in being called on to contribute towards the support of a Church Establishment, when from ignorance of the English language they are deprived of the benefits and consolation derived therefrom ; but at the same time beg to assure your Honor that there is no class of persons who more cheerfully meet such demands of the Government as it is deemed expedient to make in order to defray an expenditure of so important a nature.

That Memorialists from the foregoing considerations, and deeply anxious to promote the Interests of their numerous children who are entirely destitute of Religious Instruction, beg leave respectfully to pray that your Honor will be pleased to take their case into your most serious consideration and by the appointment of a Dutch Minister to the District of Albany confer an important benefit upon a numerous class of His Majesty's subjects who are anxiously looking upon your Honor for the advance of their Interests.

And your Honor's Memorialists as in duty bound will ever pray.

Graham's Town, 15th June 1826.

(Signed)

J. P. DREYER, Veld Cornet

NICOLAAS ELS

M. GROBLER

M. G. GROBLER

J. J. C. GYER

JOHANNES TOBIAS MYN-

HARDT

FRANÇOIS LOTTERING

A. DE WAAL

FRANS DE JONG

THEUNIS C. BOTHA

DANIEL S. MORKEL

BAREND CUTRIET, Bs.

BAREND CUTRIET, DE OUDE

W. J. BEZUIDENHOUT

JACOBUS BOTHA

H. BEZUIDENHOUT

GERRIT NEL	W. S. NEL
WILLEM VAN DER MERWE	CORNELIS NEL
DE WEDUWE JAN NEL	W. J. DE KLERK
F. E. WELGEMOED	J. B. DE KLERK
I. J. WELGEMOED	J. P. DE KLERK, Js.
S. HENDRIKS	C. SWANEPoEL
A. C. GREYLING	P. S. C. VAN DER MERWE
J. J. DELPORT	G. VAN DER MERWE
W. MORKEL	JAN DE LANGE, Ss.
P. DE WET	S. VAN DIJK
H. CUTRIET	MARTHINUS JOHANNES VAN DIJK
W. S. BESTER	JOHANNES GODLIEB STROEBEL
JOHANNES A. LOMBARD	IZAAK DELPORT
D. W. VAN ROOYEN	HANS L. LOMBARD
K. BEZUIDENHOUT	PIETER HENDRIK SCHALKWYK VAN DER MERWE
HANS BEZUIDENHOUT	PIETER SCHALK VAN DER MERWE DE OUDE
JACOBUS DE BEER	FRANS JACOBUS VAN DER MERWE
G. P. BEZUIDENHOUT	M. DE LANGE
LODEWYK PESTER	N. JANSE VAN RENSBURG
WYNAND JACOBUS BEZUIDENHOUT, DE OUDE	A. F. NEL
M. DANIEL DELPORT	V. OOSTHUYSEN
J. K. DELPORT	J. VAN AS
IZAAK DELPORT	W. H. VAN DEVENTER
J. J. BESTER	CHRISTOFFEL A. POTGIETER
P. BESTER	A. D. MEYER
B. J. BESTER	J. F. VERCUEIL
K. SWANEPoEL	W. P. MEYER
P. J. GREYLING	J. JOHANNES VAN DYK
J. T. MYNHARD	B. v. d. WESTHUYSEN
A. VAN DYK	C. H. KEULDER
D. DE LANGE	J. H. KEULDER
F. H. DE LANGE	A. J. KEULDER
J. V. S. HARSENBERG	B. VAN ROOYEN
GERRIT HARSENBERG	J. C. VAN ROOYEN
J. G. WELGEMOED	
H. P. FICK	

PIETER DE WET  
JOHANNES CHRISTIAAN  
MEYER  
CHRISTOFFEL DE WET  
HENDRIK DREYER  
JAN NEL  
B. S. VAN DER LINDE  
A. J. M. VAN ROOYEN  
S. v. d. MERWE  
M. C. J. BEHRENS  
W. C. BEHRENS  
J. S. FERREIRA  
P. L. ZIETSMAAN  
G. VAN ROOYEN  
D. VAN DER SCHYFF  
G. C. SNYMAN  
J. VAN ROOYEN  
F. SCHALKWYK  
WEDUWE COENRAAD  
WILLEM BEHRENS  
F. D. POTGIETER  
F. J. L. POTGIETER  
J. T. POTGIETER  
F. SNYMAN  
J. J. DE VILLIERS

BAREND D. BOUWER  
F. H. BOUWER  
BAREND F. BOUWER  
J. LOTTER  
J. JANSEN  
F. C. JANSEN  
M. H. NIEMAND  
J. N. SCHALKWYK  
C. J. SCHALKWYK  
C. P. SCHALKWYK  
B. WOEST  
Z. H. C. POTGIETER  
F. H. POTGIETER  
J. C. VOGEL  
D. A. RENSBURG  
F. RENSBURG  
L. SCHALKWYK  
D. NIEMAND  
C. NIEMAND  
S. POTGIETER  
P. RETIEF  
JOSEPH VAN DYK, JR.  
JOSEPH VAN DYK, SR.

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[Copy.]

No. 22 G. R. (Signed) RICHD. BOURKE.

Ordinance of His Honor the Lieutenant-Governor in Council,  
for defining the Offence of Petty Theft, and regulating the  
Manner of the Prosecution thereof.

Whereas doubts have arisen as to the competent Tribunals  
for the Trial of the Offence commonly called "Petty Theft,"  
which according to the usage of this Colony is not subject to a  
more severe punishment than Correction in the Public Prison  
and Temporary Imprisonment, and which has hitherto bee-

usually tried before two Commissioners from the Court of Justice, under the provisions contained in the 2nd Section of the Crown Trial ; and whereas the due administration of Justice requires, that such Cases should be summarily decided : Be it therefore hereby enacted, That from and after the passing of this Ordinance, in all cases of simple Theft, where the value of the stolen Property shall not be sworn, or otherwise upon investigation be proved, to exceed the Sum of *Twenty Shillings Sterling*, such Theft shall be deemed to be “ Petty Theft ; ” and the Permanent Sitting Commissioner in Cape Town, and the jurisdiction thereof, and the Courts of Landdrosts, Deputy Landdrosts, Residents and Commissioned Heemraden, and the Residents and Special Heemraden in the Country Districts and Residencies respectively, are hereby declared to be competent Courts to take cognizance of such Petty Theft, in the manner set forth in the 3rd and 4th Sections of the Crown Trial : Provided always, that no Appeal shall be allowed in cases where the punishment shall not exceed One Month’s Imprisonment with Hard Labour.

II. Provided always, and it is hereby enacted, That nothing herein contained shall extend to the stealing of Cattle, if sworn, or otherwise appearing, to exceed in value *Five Shillings Sterling* ; or to Robberies committed in the Streets, Highways, or elsewhere, accompanied with personal Violence or Threats ; or to Robberies with Burglary ; or by breaking into Shops or other Buildings of any kind or nature whatsoever ; or to Robberies committed in the Night in Gardens, Orchards, Fields, or other private places which are enclosed or fenced in ; or to Thefts committed by Soldiers, Watchmen, Policemen, or others, to whom the protection of any Property may be specially entrusted, and who are in duty bound to guard the same ; or to the stealing of Goods exposed by Shipwreck, Fire, or other calamity ; or to any other Thefts accompanied with any circumstances which are by the Law deemed aggravations thereof,—all which Crimes shall continue to be cognizable by the several competent Courts of this Colony, in the manner set forth in the 2nd Section of the Crown Trial.

III. Provided always, and it is hereby enacted, That all Prosecutions for Petty Theft now pending before any Superior Tribunal, and which shall not have terminated on the passing

of this Ordinance, shall continue and be concluded in the same,—anything herein contained to the contrary notwithstanding.

God save the King !

Given at the Cape of Good Hope, this 4th Day of September, 1826.

By Command of His Honor the Lieutenant Governor,

(Signed) R. PLASKET, Secretary to Government.

By Order of the Council,

(Signed) D. M. PERCEVAL, Clerk of the Council.

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[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 5 September 1826.

SIR,—I have to acknowledge the receipt of your dispatch No. 22 under date of the 23rd of May last, in which you transmit an explanation of the circumstances under which it had been deemed necessary to incur the expence of repairing the building in the Government Gardens at Cape Town.

As it would appear that this expence has been incurred for the purpose of fitting up the building for the accommodation of your own Office and that of the Chief Secretary, and that a saving will be effected by this arrangement, I do not feel myself disposed to withhold my sanction of the expence attending this Service. I have &c.

(Signed) BATHURST.

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[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, 5th September 1826.

MY LORD,—I have been honored by the receipt of your Lordship's despatch of the 21st March last, (No. 251) with enclosures, desiring to be furnished with certain testar

papers relating to the property left by Henry Ernest Fichtner, stated to have died in this Colony in the year 1776.

In reply I beg to inform your Lordship, that having referred the matter to the Orphan Chamber of this Colony, I now enclose a copy of the report of that Board on the subject, by which it will appear to your Lordship that no information can be procured relative to H. E. Fichtner the individual in question, but I have been furnished with a copy of the Will of Johan Lodewyk Fichtner, who appears to have died about the month of October 1776, the period alluded to in your Lordship's despatch. This testamentary document I now enclose, as it may possibly afford some satisfaction to the parties in whose behalf this inquiry has been instituted. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure in the above.]

ORPHAN CHAMBER, 14th August 1826.

SIR,—We have the honor to acknowledge the receipt of your letter of the 3rd Instant with the accompanying copy of a despatch and its enclosures from His Majesty's Secretary of State calling for certain testamentary papers relating to property left by Henry Ernest Fichtner who is stated to have died at the Cape in the year 1776.

In reply we beg to state that we have not been able to collect any information respecting the Individual in question, but should it be any satisfaction to the parties who have instituted the enquiry relative to him, we do ourselves the honor of transmitting herewith a copy of a will made by Johan Lodewyk Fichtner which was registered in this office in the month of October 1776 the period adverted to in the Dispatch.

We have &c.

The Board of Orphan Masters in this Colony,

(Signed) J. A. TRUTER.

The Secretary to Government.

It cannot be necessary to give the other enclosure.—G. M. T.

[Original.]

*Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.*

CAPE OF GOOD HOPE, 5th September 1826.

MY LORD,—We have the honor to submit for your Lordship's consideration a memorial that was transmitted to us by Mr. J. R. Innes, one of the Teachers of the Government Schools in this Colony, in which he prays that upon the expiration of his present engagement with the Colonial Government in the month of July next and upon proper certificates of having faithfully and zealously performed it, encouragement may be held out to him to complete his theological studies in Scotland and to qualify himself for ordination according to the rules of the Scotch Church, by the expectation of an appointment to a ministry in one of the Districts of the Colony. It was our intention to have reserved the transmission of this memorial until we should be able to submit to your Lordship the general state of the Ecclesiastical Establishments of the Colony, but as the period is approaching in which Mr. Innes' engagement with the Colonial Government will terminate, and as some further delay may arise in the completion of our report upon this subject, we have determined to bring the memorial to your Lordship's notice and will limit our observations to the advantage that we think Mr. Innes may derive in the performance of his Clerical Functions from the acquirement of the dialect in which the Dutch Language is spoken in this Colony, and which, though not considered to be a pure one, is much more familiar to the Inhabitants than that which is acquired in the Literary Communities of Holland. We are aware that there exists among the Native Dutch Inhabitants a certain degree of jealousy of the preference that has been shewn to the Scotch Clergy by the late selection which has been made of them for the service of the Reformed Church, but as the circumstance of Mr. Innes' employment in the education of the children of many respectable Dutch families in the District of Uitenhage previous to his admission may possibly have its effect in mitigating that feeling, we therefore beg leave to submit his memorial to the favorable consideration of your Lordship, subject always to the condition he has proposed of givin~

satisfactory proof of having duly and zealously fulfilled his engagement with the Government, which from the progress that we observed had been made by his scholars in 1824 (the period at which we visited Uitenhage) we are disposed to think that Mr. Innes will be perfectly competent to afford.

We have, &c.,

(Signed) JOHN THOMAS BIGGE,  
W. M. G. COLEBROOKE,  
W. BLAIR.

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[Office Copy.]

*Letter from EARL BATHURST to MAJOR GENERAL BOURKE.*

DOWNING STREET, LONDON, 6 September 1826.

SIR,—With reference to your dispatch No. 24 under date of the 24th of May last, I have to signify to you my approbation of the temporary arrangement which you have made for affording regular Medical Attendance to the Leper Institution at “Hemel en Aarde” and of the allowance which you have granted to the Medical Gentleman who has been selected for this purpose. I have &c.

(Signed) BATHURST.

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[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, September 6th 1826.

MY LORD,—Having been directed in your Lordship’s despatch of the 20th March last (No. 250) to call upon the Collector of Customs at this Port to pay to the Treasury the loss occasioned by the peculation of his clerk, the misconduct of Mr. Birkwood (the person in question) was for the first time made known to me, and I was upon inquiry told that he still held the place of Deputy Marshal in the Vice Admiralty Court. Conceiving it to be discreditable to the character of the Court to retain in its

employment a person under such circumstances, I directed the Chief Secretary to Government to write to Mr. Kekewich, the Vice Admiralty Judge, upon the subject. Mr. Kekewich in reply stated the Place of Deputy Marshal to be a Patent one (the Deputy being appointed by the Marshal) over whom he had no power, and in a subsequent letter he states that he could not remove a person from his Court whose delinquency was not established before it. A copy of this correspondence is enclosed herewith.

Not wishing to interfere further with the Vice Admiralty Court, whose freedom from the control of this Government appears to have been recognized by the opinion of the Attorney General contained in Lord Viscount Castlereagh's despatch to Lord Caledon of the 27th March 1808, I have caused Mr. Kekewich to be informed that I propose to lay the matter before your Lordship and request your instructions. I should state to your Lordship that in this Colony it is peculiarly inexpedient to retain a defaulter in the public service, as from his character of Civil servant he obtains by the Law an exemption from arrest, and although the Collector of Customs has obtained a decree of the Court of Justice against Mr. Birkwood, yet should he be disposed to enforce it, his debtor's person is safe whilst he holds a civil employment.

Upon looking into the Commission and Instructions of the Governor of this Colony, I do not find that the power of Suspending Persons holding patent places is given to him in express terms. In the 15th Section of the Instructions with reference to Offices granted under the Great or Privy Seal are the words "upon the suspension of any such officer by you as aforesaid," but I do not find any clause or instruction to which "aforesaid" refers. I have brought this under your Lordship's notice as it may be desirable to remedy an apparent omission: tho' I should add that in a case which appeared to call plainly for such an interference I should not hesitate to suspend any such officer under the general powers of the Governor's Commission. In the present instance I have not thought it necessary to proceed further until I shall have received Your Lordship's Instructions. I submit however that Mr. Birkwood ought to be removed. I have &c.

(Signed) RICHARD BOURKE.

[Enclosure 1 in the above.]

*COLONIAL OFFICE, 22nd August 1826.*

SIR,—The Lieutenant Governor having lately had under his consideration the case of a deficiency of Public Money which occurred in the Custom Department of this Colony in the year 1819, and it appearing from the perusal of the documents that have been submitted to him on the subject, that Mr. Birkwood late clerk in the Custom House had embezzled public money placed in his charge to the extent of Rds. 15,098 4 3 for which he is still indebted to Government, and that he was in consequence of such misconduct dismissed from his situation in the Custom House Department, His Honor desires me to state to you his opinion, under the circumstances above specified, that Mr. Birkwood is not a fit person to be employed in any situation under the British Government.

The Lieutenant Governor has desired me to bring this subject under your notice, as he perceives Mr. Birkwood's name in the Calendar as Deputy Marshal in the Vice Admiralty Court.

I have &c.

(Signed)      RICHD. PLASKET,  
Secretary to Government.

G. Kekewich, Esqre.,  
Judge of the Vice Admiralty Court.

[Enclosure 2 in the above.]

*CAPE TOWN, August 24th 1826.*

SIR,—In answer to your letter of the 22nd Instant on the subject of the Deputy Marshal of the Vice Admiralty Court, I have the honor to state for the information of His Honor the Lieutenant Governor, that the Office of Marshal is a patent appointment and by that Patent the Marshal possesses the sole Power of appointing his Deputy. Under the circumstances, I do not consider myself competent to remove an Officer from the Court in which I have the honor to preside, against whom there exists no charge of delinquency. I have &c.

(Signed)      G. KEKEWICH.

Sir Richard Plasket,  
Secretary to Government.

[Enclosure 3 in the above.]

COLONIAL OFFICE, 31st August 1826.

SIR,—I have submitted to the Lieutenant-Governor your letter of the 24th inst. and stating that you do not consider yourself competent to remove Mr. Birkwood from his situation of Deputy Marshal in the Vice-Admiralty Court, as he has been nominated by the Marshal of that Court, which is a patent appointment, and as there exists no charge of delinquency against him.

In reply to the latter observation I have to communicate the following extract from a Despatch of His Majesty's Secretary of State, dated Downing Street, 20 March 1826 :

"With reference to the Despatch which I had the honor to receive from Your Excellency under date 8th September last, relative to a deficiency of the Public Revenue of your Government which had arisen from the misconduct and Peculation of a clerk employed in the office of the Customs," I have &c.

With regard to the inability of preventing a person so circumstanced from acting under the authority of the Vice Admiralty Court, His Honor regrets that such should be the case, and it only remains for him to report the fact to Earl Bathurst, and take his instructions upon it, a matter which the Lieutenant Governor cannot but regard as involving material considerations. I have &c.

(Signed) RICHD. PLASKET,  
Sec. to Government.

G. Kekewich, Esqre.,  
Judge of the Vice Admiralty Court.

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[Original.]

*Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.*

CAPE OF GOOD HOPE, 6th September 1826.

MY LORD,—With reference to the principle of remuneration that we have had the honor to suggest in our general report in favor of such of the Civil Servants of this Colony as may ei<sup>st</sup>—

wish to retire from long services or from incompetence to perform the duties which the change in the Judicial and Financial System will require from them, we venture to submit for your Lordship's information certain circumstances relative to the individuals named in the margin to which we solicit your Lordship's particular attention as constituting in our opinion grounds of exception to the general principle upon which we hope that the claims of others may be adjusted.

*Sir John Truter.*

We have understood that when the resignation of the Office of President of the Court of Justice by Sir John Truter was tendered, some expectation was held out to him that in addition to a liberal pension he would be permitted to hold the Office of President of the Orphan Chamber. In the course of the inquiries that we have made into that establishment we found that Sir John Truter and the Members of his Family were indebted to it by virtue of loans of money made to them from time to time to the amount of rixdollars 51,000 or £3,825 sterling, and that altho' there is no article of the instructions which prohibits the officers of the establishment from contracting such debt provided they are made and secured in the manner pointed out for all other Debtors, yet it has appeared to us to be a practice so pregnant with danger to the security of the Institution and so much calculated to destroy the confidence of the Public in its management, that we did not hesitate in our general report to recommend that the practice should entirely cease. We have reason to believe that the pecuniary circumstances of Sir John Truter and his family will not allow them to comply with this recommendation. Considering therefore the liberal pension amounting to £800 that we have recommended to be assigned to him in our report and the honorary situation that he will still continue to enjoy as Senior Member of His Majesty's Council, we have thought that his resignation of the Office of President of the Orphan Chamber might be required without any injustice to his other claims, and without injury to the Institution over which he has been allowed to preside, altho' in violation of a former resolution of the Governor and Council, by which the two offices of President of the Court

of Justice and that of the Orphan Chamber were ordered to be separated.

In case your Lordship should be of opinion that the circumstances which we have stated constitute a sufficient ground for the removal of Sir John Truter from the Presidency of the Orphan Chamber, we have the honor to suggest that he should receive £800 per year as a pension for his past services in both situations, and that the Presidency of the Orphan Chamber should be conferred upon Mr. Berrangé.

*Mr. Berrange.*

A gentleman who was formerly a member of the Court of Justice and was afterwards appointed to the Office of Secretary to the Court, in which he has rendered very important services. His state of health will not admit of his continuing to hold that situation, or indeed any one in which constant or daily attendance is required. We consider therefore that his services would entitle him to a retirement of £300 per annum, but that in case he accepts the situation of President of the Orphan Chamber, the salary of which we should recommend to be raised from its present rate of £300 to £600 per annum, the Pension might be saved for the period that he continued to hold it, and we may venture to assure your Lordship that if you should be pleased to acquiesce in our recommendation to retain the Colonial Law of Property and Succession, there is no person in the Colony so well qualified as Mr. Berrangé to apply them in the superintendence of the administration of the Property of Minors and Absentee Heirs.

*Mr. Kekewich.*

In the arrangements which we have had the honor to suggest for the Courts of Justice your Lordship will perceive that we have contemplated the union of the Vice Admiralty Court with the Supreme Court, and the reduction of the Salary hitherto enjoyed by Mr. Kekewich as Judge of the former. In perusing the correspondence in the Colonial Secretary's Office we did not fail to advert to an intimation of your Lordship's wish to have introduced Mr. Kekewich to a seat in the Court of Justice and as one part of the arrangement that we have had th'

propose will remove this Gentleman from the Vice Admiralty Court and transfer the duties without the emoluments to other hands, we have been induced to infer that in the event of Your Lordship's acceding to the arrangement, Mr. Kekewich would have the offer of a Seat in the new Court of Justice in the Western Province, where there is no doubt that his experience and information respecting the habits and feelings of the Dutch inhabitants would be highly useful to his colleagues. In the event of Mr. Kekewich's declining the offer of a seat in the new Court of Justice, we think that in consideration of the length of his services (17 years) he will be entitled to a Pension of £400.

*Mr. Dashwood.*

Although we have recommended that the salary of the Collector of Customs at Simon's Town should be reduced from its present rate of £700 to £400 per annum, we cannot omit to mention that the long and honorable services of Mr. Dashwood in the various and important Departments of Receiver General, which he held from the period immediately succeeding the capture of the Colony in 1806 until the year 1818, and that of President of the Lombard and Discount Banks from the year 1808 to 1814, appear to us to constitute a strong claim to a liberal retirement, the amount of which we recommend should not be less than £300 per annum.

*Mr. Stoll.*

In our Report upon the administration of the Government Your Lordship will have observed that we have recommended that of Treasurer to be retained by the Crown. The increase of duty and responsibility that we have assigned to this office has appeared to us to justify an augmentation of salary equal to £1500 per annum. Mr. Stoll, the present Receiver General, holds also the situation of Landdrost of the Cape District which under the new system we have proposed for those offices will be transferred to other persons specially charged with the judicial and magisterial duties that had hitherto appertained to them. The emolument that Mr. Stoll derives from his present situations amounts to £637 per annum, and as we consider him to be more conversant than any other person in the Colony with

the business of the Treasurer's office and more competent also to discharge that which will hereafter devolve upon it, we think that it will greatly tend to smooth any difficulty arising out of the new arrangement of Finance and to reconcile the inhabitants to the system should Your Lordship be pleased to make an exception to the rule we have recommended in the future appointment of Treasurers, by conferring it on the present occasion upon Mr. Stoll, who, we believe, is already recommended favorably to your Lordship by the selection that you were pleased to make of him as a Member of Council, who also has had the good fortune to acquire the esteem and confidence of all the Governors of the Colony since the year 1806, and who undoubtedly possesses that of both the English and Dutch portions of the Community in a peculiar degree.

*Mr. Denyssen, His Majesty's Fiscal.*

Your Lordship having already been made acquainted through our former communications with the difficulty experienced by Mr. Denyssen in the performance of some of the most arduous duties that devolve upon the Fiscal, and especially those of advising the Government on legal or political questions and in framing the ordinances that are passed in Council, you will not be surprised at our confining our recommendations in his favour to a moderate pension, coupled with a positive condition of his retirement from the service, since upon the most mature consideration of the disadvantages under which it has hitherto been rendered we conscientiously think there is no situation in the small number of those which Mr. Denyssen might be capable of executing, in which his services could be useful or creditable to the Government.

We do not wish by any means to deprive Mr. Denyssen of the fair consideration that is due to the length of his past services under the British Government, but we feel ourselves bound to state that he has not contributed to render it respectable in the eyes of the Dutch Inhabitants, and we feel certain that he has unintentionally done much to render it odious to the British.

*Mr. Fleck, Member of the Court of Justice.*

The services of Mr. Fleck, Member of the Court of Justice, have not exceeded 10 years in the Court, altho' he was previously

employed in subordinate situations attached to it. The very small salary that has been allowed to the Members of the Court induced him to engage in the Wine Trade, but we do not think that this circumstance should deprive him of the benefit of the retiring pension of £200 per annum, as it was never allowed to interfere with the active duties of his office, especially those of the Court of Circuit.

*Mr. Brand, Member of the Court of Justice.*

The appointment of Mr. Brand was very recent, but his services under the Colonial Government commenced in the year 1788, and have been very various, and we believe respectable. After performing the duties of Resident at Simon's Town he was made Wharfmaster in Cape Town, and afterwards Receiver of Land Revenue. From this situation he was removed to a seat in the Court of Justice, and under circumstances that did not imply entire consent on his part, but in no degree reflecting upon his character or conduct. Mr. Brand's state of health does not admit of the performance of much active duty, and we think that he is well entitled to receive the Pension of £200 allowed to the other retiring members of the Court.

*Mr. Rogerson, Member of the Court of Justice.*

Mr. Rogerson was appointed a Member of the Court of Justice in the year 1823, upon the retirement of Mr. Buissinné. He had served in the Commissariat Department since the recapture of the Colony in 1806, and for the last 8 years filled the highest situation in it. At the period of the arrival of the English Settlers in the Colony in 1820, and subsequently thereto, he was charged with the various arrangements for their subsistence and supply in a remote part of the Country, a duty that was strictly Colonial, causing much additional trouble, and for which he received no remuneration. During his period of judicial service he was appointed with Mr. Truter to investigate the accounts of the Burgher Senate, and to report upon the deficiencies in its revenue; and upon an improved system of collection and accounts. From the short period of Mr. Rogerson's service (3 years) as Member of the Court of

Justice we cannot consider him as entitled to a Pension as such, but we think that he is well qualified from his experience and integrity of character to superintend and conduct the collection of taxes in Cape Town, a duty which upon the abolition of the Burgher Senate will be open to the appointment of the Colonial Government.

*Mr. Hiddingh, Senior Member of the Court of Justice.*

Mr. Hiddingh, Senior Member of the Court of Justice, has served since the year 1802, having been appointed to a seat in the Court of Justice by the Batavian Government. We believe that he will not be desirous of continuing his services, and we propose that he should retire upon a pension of £200 per annum.

*Mr. Neethling, Member of the Court of Justice.*

Mr. Neethling, Member of the Court of Justice, has served 13 years in that capacity. He formerly acted as Notary and agent for the Landdrosts. We recommend that he should have a seat in the Orphan Chamber with a salary of £100 per annum, in addition to his pension of £200 per annum.

*Mr. Truter, Member of the Court of Justice.*

Mr. Truter was not originally a member of the legal profession. He was formerly Collector of Customs at Simon's Town, from whence he retired on the appointment of Mr. Dashwood, and after conducting the department of Customs in the absence of Mr. Blair, the present Collector in Cape Town, he was made a Member of the Court of Justice. In the course of his duty as one of the Commissioners of Circuit in the year 1823 he assisted in the trial of the several actions in which Bishop Burnett was concerned, and respecting which we have already had the honor to report to your Lordship. After a full consideration of the circumstances of those trials, we were not of opinion that they reflected discredit upon the Judges, and the character that Mr. Truter has always sustained for respectability and integrity has not in any degree suffered from the gross and unfounded aspersions of Bishop Burnett. We consider that Mr. Truter should receive a pension equal to that of the other retiring Members of the Court of Justice (£200)

and also an appointment to a seat in the Orphan Chamber, with the salary attached thereto of £100 per annum.

*Mr. Borchards.*

Mr. Borchards was appointed a Member of the Court of Justice in February 1823. A few months ago he was appointed to a situation which has received the designation of Permanent Sitting Commissioner, and is charged with the trial of trivial offences and misdemeanours, which were till then brought before the Commissioned Members of the Court who took the duty in rotation. He was selected we believe on account of his general acquaintance with the business of Police (having served for several years in the office of Deputy Fiscal), his knowledge of the English language, and of the zealous attention with which he devoted himself to the judicial duties. We have found that such a division of them was absolutely necessary to ensure regularity and despatch, and we have had much satisfaction in finding that Mr. Borchards continues to answer the expectations that were formed of him, and we think that he will be found very useful in subduing the difficulties that must occur in the introduction of the English Law. He is the son of an aged and very respectable clergyman of the Dutch Reformed Church at Stellenbosch, who was distinguished by his early attention to the English commanders after the capture of the Colony. In our general report your Lordship will find that we have also recommended him to be a joint commissioner of the Court of Requests, in which causes arising in Cape Town and under the amount of £30 sterling are intended to be tried.

*Mr. Serrurier, Secretary to the Court of Appeals.*

Mr. Serrurier was appointed in the year 1808 a clerk in the office of the late Secretary and Registrar of the Court of Appeals, and at his death was appointed by Lord Charles Somerset to fill the situation of Secretary and Registrar. His intelligence, good character, and acquaintance with the English Language will render him in our opinion a fit person to act in the same situation to the Judge of the Supreme Court, with the salary that we have recommended to be annexed to it (£350).

*Lieutenant Colonel Cuyler, Landdrost of Uitenhage.*

Although we forbore from submitting any special statement to Your Lordship of the conduct of Lieutenant Colonel Cuyler in his situation of Landdrost of Uitenhage, and confined our remarks to such parts of it as seemed to require the interference of the Local Government, we cannot omit this opportunity of stating that altho' under the alterations which we have had the honor to propose in the provincial administration he will no longer be charged with any portions of judicial duty, yet we have observed such a degree of negligence and inattention in Lieutenant Colonel Cuyler's execution of the political and financial business—that will still be left to those Landdrosts who may be retained as Civil Commissioners. that we should see with infinite regret that he was to form one of the number. He has served for a long period as Landdrost of Uitenhage and in the Cape Corps, the half-pay of which he still receives, but he has received grants of land from the different governments in consideration of his services, and has purchased cattle, which have obtained a large share of his attention, and on this account the misappropriation of the services of several Hottentots who were destined for the public defence at a period very early, a circumstance which he was compelled to acknowledge, in the course of our inquiries into the complaints that were made against him.

With these facts before us, as well as his conduct against the Hottentots, we deem it our duty to state that Lieutenant Colonel Cuyler who is now somewhat advanced in years is not a fit person to fill the situation, & under other circumstances he might be called upon to receive less than that he will be sufficiently remunerated by the circumstance we propose for other landdrosts who may retire.

We have &c.

(Signed)

John Threlkeld  
W. M. C. Threlkeld  
W. Threlkeld

[Original.]

*Report of the COMMISSIONERS OF INQUIRY to EARL BATHURST  
upon the Administration of the Government.*

CAPE TOWN, CAPE OF GOOD HOPE, 6th September 1826.

MY LORD,—Previous to our entering upon the consideration of the various subjects of inquiry, to which our attention has been directed by the Instructions with which Your Lordship was pleased to furnish us, we are desirous of submitting to you a statement of the circumstances that have occurred to prevent an earlier accomplishment of them.

While we were endeavouring to acquire a general knowledge of the principal points, upon which we conceived that your Lordship would be most desirous of receiving the earliest information previous to our departure for the place of our primary destination, an event occurred there which, from the tenor of our instructions, appeared to us to supersede the necessity of an early visit to Mauritius ; and as we found that the adoption of such an arrangement would deprive us of the benefit that we might expect to derive from a personal observation of the more distant portions of this colony, comprehending the settlements which had been recently formed, we came to the determination that was subsequently approved by His Majesty's Government, of continuing and closing our inquiries here before we proceeded to the other places of our destination. Our journey to the interior and eastern districts of the colony was commenced in the month of November 1823, and was not concluded until the month of May 1824. The two places in which our inquiries were subject to the greatest protraction were Uitenhage and Graham's Town ; in the former, on account of the numerous complaints brought before us by the Hottentots, and in the latter, on account of the investigation upon which we found it necessary to enter, of the complaints of the emigrant settlers, and the nature of the remedies that seemed likely to be most conducive to their relief.

In the personal attentions that were shown to us, and in whatever could tend to evince a respect for the objects of our commission, we have great satisf<sup>n</sup> in stating to your Lordship, that we experienced

or chief magistrates of the districts, all the facilities that we could desire, and we are bound to add, that the same disposition has been uniformly felt and manifested by the inhabitants of the colony at large.

From an early period, however, after entering upon our duties both at Cape Town and during our journey, we felt reason to apprehend that any information that we might wish to acquire, either from the civil servants or from the colonists, respecting the administration of the government, or the improvements that it would be desirable to introduce, must be derived either from the personal observations that we might be enabled to make, or from our examination of the statements that were submitted to us by individuals, of the effects and operation of the existing laws, or of the mode in which they had been administered. In making this remark, we by no means wish to be understood as undervaluing the effect of the public orders that were issued by Governor Lord Charles Somerset, enjoining the civil officers at the head of the different departments to pay prompt attention to our applications to them for information and returns ; nor can we in justice to his Excellency omit to mention, that upon all and every occasion in which we were desirous of making reference to the documents in the office of the colonial secretary, our applications were met by the most prompt compliance. On account of circumstances that induced the Governor at that time to make the request, and that are not unknown to your Lordship, we acquiesced in the propriety of addressing to his Excellency all requests for copies of original documents from the office of the colonial secretary, and of which the Governor had assumed the immediate control, and from the nature of the duties that devolved upon us, we have reason to appreciate the advantage that eventually resulted to us from a mode of procedure to which we acceded at first from a sense of justice.

The original proposal of the Governor was, that we should apprise him of the particular department to which we intended at any time to direct our inquiries, and should obtain copies of all original documents through him ; but we considered it our duty to decline this arrangement.

Notwithstanding the favourable disposition manifested towards us by the head of the government, we soon had reason

to be convinced that impartial or unsolicited disclosures upon the mode in which the government had been administered, or even explanations of the particular instances in which the exercise of its authority seemed questionable, were not to be expected from the civil servants who at that time held official situations. The utmost extent of information that we could hope, or that we have been enabled to obtain from them, comprised the rules and regulations under which they acted in their several departments, the authority for practices that we found to prevail, or an explanation of their reasons for departing from the regulations which we found in several instances to have been evaded or suspended. Returns and documents have been readily furnished on our application for them ; but we have reason to believe that a general understanding existed at that time, and has since been more distinctly pronounced, that any civil servant who should venture to make disclosures to us of circumstances in his department, without having previously communicated them to the colonial government, would be liable to dismissal from office. We do not state this as matter of complaint, nor indeed do we urge it as a fact that we have thought it necessary to pursue or establish ; but we think it right to notice it, as an impression in some degree prevalent, and which may therefore partly account for the reluctance of individuals to afford us voluntary information upon subjects of importance, with which they were officially conversant. The state of party feeling, however, that prevailed in the colony at the period of our arrival, or the influence of superior motives, led in a few instances to a departure from this rule, if it had at that time been prescribed to the civil servants ; and we certainly are bound to state the advantages that we derived from the result of such communications, although we may have seen reason to differ from the views and opinions that were then submitted to us. With regard to the voluntary information afforded us by other classes of the inhabitants, we generally observed that it originated in a sense of recollection of some recent and personal injury or inconvenience, and therefore required at all times to be examined with caution, before it could be allowed to form the basis of any general or practical conclusions ; while it was equally observable, that those who were engaged in the pursuit of any

object were restrained from making any general observations upon the policy or the measures of the local government, by a spirit of jealous apprehension of the consequences to which a change in that policy might possibly lead, and not unfrequently, by the want of detailed information upon the means by which any desirable change was to be effected.

On the other hand, it was not to be expected that the Dutch part of the community should so far divest themselves of their feelings of habitual submission and acquiescence in the measures of the colonial government, which they had been taught especially to regard, or their dependance upon its future favour, as to come forward with any proposition that might imply a reflection upon its wisdom or its justice, and we consequently found that no general measures for the advantage or future improvement of the colony, or even for the correction of past grievances or admitted defects, were ever suggested to us, although we were aware that a very distinct appeal was made to the most respectable inhabitants of each district to avail themselves of the opportunity which the terms of our commission held out to them, of making communications to us which they might have felt reluctant to make to the colonial government.

In these distinct causes of obstruction in the way of our gaining information, we must not omit to mention our want of acquaintance with the language in which a great majority of the communications, verbal and written, have been made to us, and the constant necessity that we felt of requiring the assistance of translators and interpreters, an impediment which alike obstructed us in our examination of official records.

But if the combined effect of these difficulties occasioned delay in acquiring a knowledge of the policy and measures of the colonial government, it was still more embarrassing in the course of our inquiries into the treatment and condition of the Hottentot and Slave population, and also of another class of labourers, the Prize Negroes. In making inquiries into the condition of these classes, we derived much assistance from the observations and statements submitted to us by the agent of the London Missionary Society ; but we found it necessary, at the same time, to subject them to a strict and tedious investigation ; and in this, as in all other instances of complaint, to keep as distinct as possible the positive effects of individual

misconduct, and those which were attributable to any prevailing system, which it might be necessary to correct or supersede. Nearly the whole of the time that we passed at Uitenhage, and at some other places which we visited in the course of our circuit through the colony, was devoted to these subjects ; after having arrived at the conviction, which subsequent experience has confirmed, that the only practicable method of acquiring information upon the effect of any general regulations to which either of the three classes of the labouring population consisting of Slaves, Hottentots and Prize Negroes were subject, was that of a patient examination of such cases as had been brought to the notice of the magistrates, and had not been redressed.

We found it necessary, indeed, to apply this principle to nearly every other branch of inquiry ; and although we are conscious that much time has been thereby consumed, yet we believe that by a steady adherence to the objects of our commission, and a candid explanation of it to those who preferred complaints to us, we have succeeded in acquiring such information upon the public institutions, and also upon the general interests of the colony, which we should never have been able to collect from a mere inspection and perusal of the records, or an examination of persons in office.

In reporting, therefore, to your Lordship the result of our inquiries, we have the satisfaction of being able to state, that if we should have failed to collect the sense of the colonists as to the nature of the institutions under which they have lived, or of the best means of ameliorating them, it has not proceeded from any want of disposition on our parts to receive their statements, or from too scrupulous an examination of the motives that prompted them.

In concluding this recapitulation of the circumstances that have retarded the fulfilment of your Lordship's commands, we feel that it is unnecessary to call to your recollection the several Reports that we have had the honour to transmit, and the subjects of which, as more nearly affecting the character and conduct of individuals, required from us the most deliberate investigation.

Excepting in the inquiries which we pursued into the complaints of the British settlers who emigrated to this colony in

1820, the majority of the witnesses whom we have examined in these and other branches of our inquiry, have consisted of native Dutch inhabitants, many of whom had tedious journeys to make from the remoter districts ; and in addition to the difficulty and mistakes to which the interpretation of evidence delivered in a foreign language is always liable, we are compelled to add, that we experienced infinite reluctance in several individuals to give direct and intelligible answers to our questions ; and in many, a considerable degree of dexterity in evading them whenever they appeared to bear upon their own interests or those of their relations. To prevent, as far as we were able, the possibility of future evasion or dispute, the evidence of each person was repeated aloud to him by the interpreter in the presence of our secretary, and all corrections and emendations were noted by him in the original examinations. Inquiries conducted in this manner could not fail to consume much time, but as we felt that they were necessary to the elucidation of facts that had been variously represented, and the interpretation of which had rested upon very questionable authority, we did not hesitate to incur the responsibility of protracting our proceedings, rather than risk the chance of doing injustice to individual characters.

Having submitted to your Lordship the circumstances that have occasioned delay in the fulfilment of the Instructions with which we were furnished, to which we are bound to add the time consumed by the various references made to us by the colonial government, and the attention which it became our duty to bestow upon them, we proceed to lay before your Lordship our Report upon the various objects that our Instructions embraced.

#### *The Administration of the Government, and the Control exercised by the Governor.*

As the instructions under which the governor of this colony has acted since the year 1814, give him authority to exercise solely all the powers of government, and to assume and concentrate in his own person those that had been previously exercised either separately or in conjunction with the council, it may be necessary that we should enter into a brief explanation

of such as we have found to have been authorized by the Dutch and Batavian governments.

Antecedently to these periods, the colony was administered and regarded in the light of a commercial dependency of the Dutch East India Company, and the power of government seems to have been exercised with no other view than that of protecting and supporting the commercial interests of that body. These powers, which were very considerable in extent, and in their nature and operation subject to much abuse, were not guaranteed by any charter or constitution. They appear to have originated in the prevailing notion of the necessity of securing extraordinary privileges for the support of remote commercial undertakings, and of regulating the extent of the industry of the colonists by the fluctuating demands of the company's agents. The powers of the civil government were exercised by a governor and council appointed by the company, and responsible for their proceedings to the directors in Holland. Under the same responsibility they made laws for the internal administration of the colony, levied taxes, appointed the servants of the company to civil situations, and granted lands in freehold, or permitted their occupation on loan. But it appears that in the administration of justice and of general police, they were amenable to the government of the United States of Holland.

Upon the first surrender of the colony to His Majesty's arms in the year 1795, the powers of government that had been exercised by the governor and council were vested in the British governors alone ; and although the general policy, by which the measures of the Dutch East India Company had been regulated, underwent an immediate and very beneficial change, yet the same forms of administration were continued until the colony was given up in the year 1803, to the government of the Batavian Republic, in pursuance of the treaty of Amiens. In the month of March that year, a commissioner from the Batavian Republic arrived in the colony, with full power to accept the transfer of it from the English authorities. In a proclamation dated the 1st March 1803, it was declared by him, "That thenceforth the Colony of the Cape of Good Hope was no longer to be dependant upon the government at Batavia, or upon any commercial body whatever, but that the

inhabitants were to know no other government than that which the Batavian people had chosen for themselves."

The commissioner appears to have been invested with the power of making new laws and regulations for the administration and government of the colony, which were published from time to time, and have acquired the force of law, although they were not recognised by the government of the Batavian Republic, who, it seems, had reserved to themselves the right of rejecting the regulations, and embodying such as they approved into a charter or constitution of government. Sufficient time had not elapsed before the capture of the colony in the year 1806, for the preparation of such an act, or its promulgation in the colony ; but the regulations that were framed and published by the commissioner during his residence in it, and provisionally enforced by Governor Janssens and the council exercising the executive powers of the government, embraced the several departments, and especially those for the collection and receipt of revenue ; the administration of justice ; the duties of the fiscal, then designated by the name of "Procureur General" or "Attorney General;" the ecclesiastical functions and municipal institutions in Cape Town, and in the districts. Although no positive enactment was made public respecting the question of slavery, and the condition and treatment of Slaves, Hottentots, and people of colour, yet certain declarations and opinions of the principal members of the government were recorded, from which it is only just to infer that the most liberal views and intentions were entertained towards them, and that they would have been carried into effect whenever the government felt itself strong enough to assert them with success.

The executive and legislative functions, comprehending also the operations of finance, and the power of granting land, were confided to the governor and council, consisting of nine members, appointed or intended to be appointed by the Batavian government, and each receiving a salary and other allowances equal to 12,000 Dutch guilders per annum. They exercised their authorities in conjunction with the governor, who, in cases of ordinary occurrence, was authorized to act contrary to the opinions of the majority, reporting the circumstances to the Asiatic Council in Holland. In cases of em-

gency, however, he was required to associate to the Colonial Council three additional members, and was then bound to act according to the opinions of the majority, subject to a reference to the same superior authority at home. An important modification was made in the last provision by the Batavian commissioner during his residence in the colony, but as no charter or constitution was granted previous to the surrender in 1806, the regulations that he framed for the executive, legislative and administrative functions, had only the force of provisional enactments, awaiting the final confirmation of the Batavian government. They were found in this state by the British commanders on the second capture of the colony in 1806, and have since been allowed to continue in force, subject to occasional modification or repeal either by the supreme or local authority.

The principal and most important differences that we find to have existed between the state of the government as it was found in 1803, and that which existed on our arrival in 1823, was the concentration in the person of the governor of all the powers that had been separated or modified in the regulations to which we have had the honor to refer. By virtue of His Majesty's Commission and Instructions, the British governors have issued proclamations in their own names, for explaining and modifying the old, and enacting new laws, and for increasing the amount of former, and creating and levying fresh imposts. They have also regulated the tenures of lands, by confirming several old grants, and conceding new ones ; and have exercised the very important privilege of fixing and of reducing the amount of perpetual quit rent which each grantee of land was to pay. They have added to the amount of the public debt by the issue of paper currency, and have levied taxes, and directed the appropriation of them to specific, and sometimes to different objects from those for which they were raised. They have been invested with an appellate jurisdiction over all causes wherein the matter in dispute amounted to 200*l.* sterling, or 1,000 Rixdollars ; and over all criminal cases which by the laws of the colony were deemed admissible in appeal ; (the appellate jurisdiction in all cases having formerly been attached to the high court at Batavia). They have at the same time addressed orders to the

court of justice for the regulation of its proceedings, and have required reports to be made to them in explanation of any complaints of the conduct of the members of the judicial body, or of the subordinate officers of justice. The power of pardoning, which was limited by the regulations of the Batavian commissioner to cases in which sentences had been passed affecting life or limb, has been extended by His Majesty's Commission to the remission of punishment for all offences, excepting those of treason and wilful murder; nevertheless, with power of reprieving and suspending executions of sentences for those crimes until His Majesty's pleasure be known. The governor's power of remission does not extend beyond the sum of 10*l.* sterling in fines and pecuniary penalties. A discretionary power, also, of altering or commuting punishments awarded by the court of justice, and the district courts of landdrost and heemraeden, has been given to the governor by a proclamation issued in the year 1819. The power of removing from the colony without trial all persons who were considered dangerous to its tranquillity, was possessed and exercised by the governor in the time of the Dutch East India Company, and also during the short period of the government of the Batavian Republic; it has also been exercised by the British governors under their instructions, and also independently of them, as it formed a part of the authority of the Dutch governors to which they succeeded; but subject in its exercise to the supreme power of the state, as that of the Dutch governors was to the sovereignty of the United Provinces of Holland.

We are not aware that the authority exercised by the British governors has differed in any other respect from that which was conferred upon the governors who acted under the authority of the Dutch East India Company, or more recently under that of the Batavian Republic; and we have no reason to believe that any nearer assimilation to the constitution that had been adopted by the inhabitants of the United Provinces was intended, than that which was provisionally made by the commissioner during his residence in the colony in the years 1803 and 1804.

The political administration of the colonial government has been generally conformable to the more liberal views that seem to have been first adopted at that period by the rulers of th

Batavian Republic ; and the important enactment that received the sanction of His Majesty's Government in the year 1812, for giving a permanent interest in the lands, which under the Dutch governments, and even later, had been generally held upon the conditions of the loan tenure, tended to give stability to property to the extent to which the conversions have been effected, and to hold out the first inducement to the proprietors (that till then had been wanting) to undertake any plans of permanent improvement.

With the exception of the restraint upon the exportation of corn, the colonists were at liberty to dispose of their produce upon advantageous terms in the markets of Great Britain ; and although the state of hostility with other countries naturally led to some limitation, yet the inconvenience arising from it was fully compensated by the large naval and military expenditure within the colony, and at a more recent period, by the establishment and supply of a large garrison and squadron at Saint Helena.

In regulating its intercourse with the Caffre tribes, the colonial government found it necessary, in the first instance, to have recourse to more energetic measures than it had been within the power of the Batavian government to employ during the short period of its existence, that terminated in 1806. It seems, however, to have been the policy of both governments, at that time, to interdict all intercourse between the colonists and the Caffre tribes, as having a direct tendency to produce disputes and animosities, and to give to the latter opportunities of acquiring a knowledge of the country, and of forming dangerous coalitions with the Hottentots. The weakness of the independent tribes on the northern and western frontiers did not appear to demand a recourse to the same policy ; and the intercourse has continued unrestrained, and the collisions most injurious to those tribes, and to the tranquil settlement of the frontiers.

The measures adopted to secure the frontier of Caffraria, consisted at first in the concentration of a military force at Uitenhage, and subsequently, of the forcible expulsion of the Caffres from the Zuurveld to the northern bank of the Great Fish River, which had previously been considered and proclaimed as the boundary of the colony in that direction.

As we have already had occasion in former communications to advert to the nature of the measures by which the rigorous enforcement of this system of exclusion has been attempted, and to the partial exceptions which have been recently made to it, we shall not trouble your Lordship with a repetition of them in this place, reserving any further reference to them, until we submit our opinions upon the future system that we think may be advantageously substituted.

Adverting to the general character of the policy adopted by the several governors after the surrender of the colony in 1806, we think that it has partaken in some measure of the more liberal principles of government that were introduced under the auspices of the Batavian government; although, on the other hand, we do not find that any disposition has been shown to decline the exercise of those extensive and obnoxious powers, which, although checked by the authority of the council, were left unimpaired in the hands of the Dutch governors. That which gave to the British governors an appellate jurisdiction over causes above one thousand rixdollars, and also in criminal cases, has tended to augment their influence over the proceedings of the courts of justice, the effect of which has not been beneficially felt.

The administration of the executive government has been almost exclusively conducted in the office of the colonial secretary, assisted until lately by a deputy secretary, and all public acts of the government were attested by one of them. The office of the colonial secretary has been a deposit for the records of those acts, together with the official correspondence carried on with His Majesty's Secretary of State for the Colonial Department, and the governors of the colony, since the capture in the year 1806, and that which has been maintained with the landdrosts of the districts, and the heads of the several departments. The course of official communication between the governor and the inhabitants has varied under different administrations, but by much the largest portion has been conducted in the shape of written memorials transmitted directly, or through the office of the secretary, to the governor. The president and members of the court of justice, the president and members of the burgher senate, and the landdrosts of the districts, have claimed the right of addressing themselves

directly to the governor, but at a recent period, an order was issued, enjoining that all communications to him on general and public matters should be made to the office of the colonial secretary.

The arrangements that have for some time prevailed in the secretary's office for bringing under the notice of the governor the numerous applications that are addressed to him, have been of a very simple but beneficial kind, and have tended to fix, with all practicable and desirable precision, the period of receipt and presentation of memorials to the governor; the nature and object of them, or their incidental reference to antecedent matters; the information and opinion of the colonial secretary; and lastly, the governor's decision.

From the number and variety of the communications that have been made to the office of the colonial secretary by the officers of the different departments, as well as from individuals, there has necessarily been accumulated in it a great mass of business of detail, but especially of correspondence, which has led to more frequent interference with the current business of each department than was consistent with the separate responsibility that belonged to them. From a system that seems to have derived its origin from the Dutch East India Company, the departments of business have been unnecessarily divided and multiplied, and placed under the management of separate boards or chambers, consisting of a president and a certain number of members. By thus increasing the numbers of the civil servants, the means of providing a sufficient remuneration for efficient services have been exhausted, and it has been found necessary in many cases to make up the deficiency by appointing the same person to two situations, the duties of which have not always been compatible.

From a combination of the foregoing circumstances, and from the want of any acknowledged advisers of the governor, there has been frequently attributed to the colonial secretaries a degree of influence, unaccompanied by responsibility, that seems to have divided the minds of the Dutch inhabitants, and even some of the English, in their choice of the most promising sources of colonial patronage; and the designation of colonial secretary may have further tended to give a ministerial character to the chief secretary in his relation to

the governor, which has not been consistent with the degree of responsibility devolving on the latter. The strength of this influence, or of the check which the situation of the colonial secretary, rather than any recognised rule of duty, gives him over the decisions of the governor, has entirely depended upon the state of their mutual relations, or the degree of confidence that prevailed between them. It has been considered that the secretary possesses no positive right to submit his opinion upon any measure that the governor may choose to adopt, nor is he called upon to enter his protest against it ; so that although the rank that has been attributed to him in the colony, the comprehensive nature of the business that he conducts, and his perpetual and confidential communications with the governor, have tended to give him an influence in the colony equal, and sometimes superior, to that of the governor himself, yet the functions of his office are, in point of fact, strictly executive, with no other responsibility attached to them than that which arises from the express terms of his commission, and by which the custody of the records is also assigned to him.

The right of nomination and appointment to vacant offices in the different departments has been exercised by the governor alone, except in those of the colonial and deputy secretary, colonial paymaster, auditor-general, and the collector, comptroller, and searcher of customs. The governor's patronage has likewise extended to the chief, and even to the subordinate offices in the country districts ; and all, excepting the chief justice and His Majesty's fiscal, hold their appointments during the governor's pleasure. They have generally been appointed by written commissions under the seal and signature of the governor, and sometimes only by notifications in the gazette.

With some exceptions, a principle of selection has been generally observed that is well calculated to conciliate the feelings of the native Dutch inhabitants towards the English government, and at the same time to open a prospect of slow but progressive advancement to those who were content to engage at an early period in subordinate situations of the colonial service. This principle, though just and politic in itself, has been open to the objection that it has tended to expose the coloured population (chiefly of the servile classes) to the effect of those prejudices which colonists in slave count-

are prone to imbibe. The honourable exceptions in the early part of the British administration in the late Chief Justice Ryneveld, and the commissioner upon the frontier, Mr. Maynier, would doubtless have been followed up by other as distinguished examples, had the principle been more steadily inculcated, that the exercise of impartial justice, and the enforcement of the laws, would be the best recommendation for preferment to situations of influence in the country.

In later periods military officers retired on the half-pay of their corps, have in some instances been selected for the situations of landdrosts, and to a certain degree, superseding the claims of the junior civil servants who had passed through the subordinate branches. If, however, the former had the advantage of being exempt from feelings and prejudices of a local nature towards the coloured classes of the population, yet from the circumstance of their engaging in agricultural pursuits (which from the smallness of their salaries, and from the annexation of land to their residencies, they have been more or less induced to do), it has been observed that when long established, they have imbibed in as strong a degree as any of the natives, the desire of maintaining the policy by which the interests and the existence (we may be allowed to add) of the coloured race have been rendered subservient to their own.

The establishment of the boards of landdrost and heemraden appears to have originated in the necessity of providing some judicial authority for the adjustment of disputes amongst the inhabitants of the country districts, and of sparing them the inconvenience of perpetual recourse to Cape Town. A jurisdiction therefore, but not an exclusive one, was conferred upon them in cases of disputed boundaries of lands, rights to water and watercourses, roads and bridges, and in the performance of these duties the landdrost of the district acts as president, and the heemraden as counsellors and assistant judges.

We shall enter more particularly into the extent of their judicial functions, when we come to report upon the jurisdiction of the colonial courts; at present we would observe that the landdrost executes the orders of the executive government, and is armed with very extensive powers of police. In these duties he is assisted by fieldcornets, who are selected from the most

respectable inhabitants of the several sub-divisions of the district, and upon the recommendation of the landdrost, are appointed by the governor.

Instructions for the guidance of the landdrosts were drawn up in the year 1803, under the administration of General Janssens, and were approved by the commissioner of the Batavian government, and subject to the more recent enactments and regulations promulgated by the British governors. They contain the rules by which the affairs of the several districts of the colony are administered by them in the departments of justice and police, and in collecting and disbursing the local revenues.

The numbers of the heemraden have varied according to the population and extent of each district ; not being less than four, and not exceeding eight ; but in consequence of the inconvenience arising from the great extent of some of the districts, it has been found necessary to establish sub-drostdies, differing in no respect from the constitution of the larger divisions, except in that of responsibility to the landdrosts and heemraden for the collection and appropriation of the local taxes, and the obligation of corresponding with the government through the same channel. At Simon's Town, the officer who is in military command of the station has been constituted government resident, and latterly, three heemraden have been appointed to assist him in the duties, which in every respect are those of a landdrost. At Port Elizabeth, and at Port Frances, two magistrates have been recently appointed, with a limited jurisdiction over slight offences, and in matters of police.

The original appointment of the heemraden is made by the governor ; the two senior members of each board retire annually, and the landdrost and remaining members name four persons, out of whom two are appointed by the governor to succeed. The retiring members are re-eligible ; and the requisite qualifications for the office consist of the occupation of an estate on loan within the district, or the possession of certain immovable property at the drostdy, or seat of district magistracy ; having attained thirty years of age, and previous residence of three years in the district.

In conjunction with the landdrost, and under his presidency,

the heemraden hold monthly meetings for transacting the civil and criminal business of the district, investigating and checking the receipt and expenditure, the accounts of which transcribed and signed, but unaccompanied with vouchers, are transmitted to the office of the colonial secretary at the end of every year : besides these ordinary meetings for civil business, there are weekly meetings of the landdrost and heemraden in their judicial capacities, at which cases are heard and decided, or preliminary informations taken. Extraordinary meetings are held for the annual receipt of taxes, or for the trial of civil causes for which a daily allowance is made to the members.

To the duties pointed out in the original instructions for the country districts has been added that of reporting upon applications made to the governor for original grants of land, or for converting the old loan tenures into freehold, upon the amount of quit rent, and generally upon any local circumstances in the condition of the applicant, or in the quality of the land, that may tend to guide the governor's judgment in finally deciding upon the applications. The performance of this duty is generally preceded by a personal inspection of the land that is applied for, and which is performed by a commission composed of the landdrost and one of the heemraden, assisted by a sworn surveyor of the district.

The landdrost and heemraden are assisted in the performance of their administrative and judicial functions by the district secretaries, who are appointed by the governor. They frequently unite with their office that of vendue-master, or superintendent of auction sales in the district ; and all have an exclusive privilege to act as notaries, and to keep registers of wills, acts, and legal instruments drawn by them, and executed in their presence by the inhabitants of the districts.

It appears that under the government of the Dutch East India Company, and of the Batavian Republic, and more recently during the administration of the colony by the British governors, there has been no regular form observed in the construction or promulgation of the laws. The enactment of new laws, or the modification of old ones, has been announced to the public under the various forms of royal order, letters to the landdrosts, advertisements, and publications of ordinances. Since the year 1802,

of the Batavian administration, they have appeared both in the Dutch and English languages, and a compilation has lately been made that comprises nearly the whole of the series, from the first capture of the colony in the year 1796 until 1803, and from 1806 to the present time. A commission was appointed in the year 1819 to make a compilation of all the proclamations that were published by Dutch or British authority ; and eight volumes in manuscript have been collected, and a digest of the contents is in preparation.

A collection of the proclamations and orders that were considered to relate to the administration of the country districts, was printed and distributed amongst the landdrosts ; it was not, however, complete.

After submitting to your Lordship this general view of the authority that has been exercised by the governor of this colony since the year 1806, and the sources from which they have been derived, we shall proceed to notice the effect and tendency of such modifications of the executive authority as His Majesty has been graciously pleased to introduce, and at the same time to submit to your Lordship such further alterations as, in our opinion, may be advantageously made.

The early impression that we received of the embarrassment to which all measures both of executive and judicial authority were liable, from the great extent of territory that the colony includes, having been confirmed by longer experience and observation, we felt much satisfaction in learning that the measure which we had the honour to suggest, of separating the government of the eastern and western portions of it, had received His Majesty's approbation. It was manifest, indeed, that a measure of this kind had become necessary, from the increased pressure of business and correspondence with the remoter districts on the frontier, occasioned by the settlement of the English emigrants ; the importance of applying some uniform and consistent principles to the intercourse of the colonists with the Caffres and other tribes, of preventing their collision, and checking the desultory warfare that has prevailed along a considerable portion of the frontier.

It further appeared to us that the presence of a chief magistrate, uniting in his own hands, and directing the civil and military authority, was equally necessary for enforcing and

executing all measures for preventing the illicit introduction of slaves, for maintaining a constant and steady counteraction to the strong temptation that has of late been presented, both by the increasing price of agricultural labour, and the urgent circumstances that have appeared to sanction the admission of several fugitives from the northern and more distant tribes within the frontier, and under certain regulations, their admixture with the labouring classes of the population. We were no less sensible also of the advantage that might arise from the influence of high authority in the encouragement and protection of a direct trade between Mauritius and Bourbon, and the ports of the eastern district, and that might have the effect of placing the inhabitants of that part of the colony upon a more equal footing as to commercial advantages with those of the western division, and who enjoy a nearer access to the principal place of export.

Distinct from the promotion of these important objects, we perceived the necessity of providing a more prompt and effectual check upon the power of the landdrosts of the several districts, than it has been practicable to maintain at the distance of five or seven hundred miles from the seat of government.

The important powers that have been confided to the district boards in assessing and collecting the revenues, in reporting upon the applications of individuals for land, and the extensive influence they are known to exercise in promoting or defeating them, require a more vigilant superintendence, and a more perfect knowledge of localities than it is possible for the chief functionaries of the government to acquire, when situated at so great a distance from the persons and property that are the subjects of it. This consideration, combined with that of the great inconvenience and delay suffered from the extent of the circuits, and the distance at which the process of the court of justice has to be conveyed and executed, have led us to conclude that a separate administration of the executive and judicial authority was indispensably necessary to the prosperity of the inhabitants, as well as to their protection as colonists.

With this impression we venture to propose, that the whole territory of the Cape of Good Hope, which is now subject to His Majesty's dominion, should be separated into two provinces, one of which comprising the districts of the Cape, Stellenbosch

Swellendam, Worcester, and Clanwilliam, may be denominated the "Western Province;" and the other, consisting of the districts of Graaff Reinet, Beaufort, Somerset, Albany, Uitenhage, and George, may be named the "Eastern Province."

The free population of the first may be estimated at 45,014, and the slaves at 28,934; that of the latter at 39,513, and the slaves at 6,575. The superficial extent of each province may be considered as nearly equal. The produce of the western province consists chiefly of wine and corn, while the eastern principally affords pasturage for rearing cattle and sheep. Cape Town will continue to be the seat of government of the western province; for although its situation with respect to the other districts is inconvenient, and the difficulty of access to it on the land side is the cause of loss to the farmers who frequent the market, yet as Table Bay, at the end of which Cape Town is situated, is the principal resort of shipping, and the deposit for all exports that are the produce of the colony, it would not be advisable or expedient to risk the great injury to which a large mass of accumulated property would be exposed by the removal of the seat of government, or to incur the expense that such a measure must occasion, unless the advantages to be gained by it in the new situation were certain, or until all hope of lessening or removing the defects of the old one were given up. It is our intention to enter more fully upon this subject when we describe the nature of the public works that have been recommended as most beneficial to the colony, and as not impracticable.

We propose to fix the seat of government of the eastern province at the town of Uitenhage, unless the result of the survey that the lieutenant-governor is instructed by your Lordship to make should lead to a different conclusion, and induce him to give a preference to Graham's Town. The proximity of the latter to the frontier of Caffre Land, the usual scene of warfare, and the local advantages that it possesses as a military position might, in one point of view, perhaps, give it a preference over the town of Uitenhage; and for the same reason, as well as on account of its central situation with respect to the whole province, the situation that has been chosen for the new drostdy of Somerset possesses still greater recommendations. Uitenhage, however, is situated at a dis-

tance of only eighty English miles from Graham's Town, and twenty from Port Elizabeth at Algoa Bay, a village, and anchorage for shipping, and to which it is probable that all or a large portion of the produce will ultimately be conveyed for exportation. Uitenhage enjoys the peculiar advantage of an abundant supply of water, and the public buildings are much more extensive and commodious for the reception of the lieutenant-governor, and the civil officers of the provincial establishment, than they are capable of being rendered at the other places we have mentioned without incurring great additional expense.

His Majesty having been graciously pleased to direct that the civil government of the two provinces should be kept distinct and independent of each other, except on any extraordinary occasion, or in the event of any unforeseen emergency, we shall take an opportunity of suggesting such measures for carrying this arrangement into effect, as we have judged necessary for the due exercise of the separate authority in each province, commencing our observations with those that we conclude must be common to both.

We accordingly recommend, that in the appointment of persons to fill public offices in the two provinces, a reservation should be made to His Majesty's Government of the right to appoint the judges, the chief secretaries to government, the attorneys general, the resident magistrates of districts, the treasurers of the two provinces, the auditors, the collectors of customs, the protectors and guardians of slaves, and the surveyor-general. A power has been given to the governor-in-chief of making provisional appointments to these offices in case of death or absence, which, under certain limitations in the case of the judges, we should recommend to be continued ; but we should think it expedient to declare that no new appointment whatever should be made, or salary issued out of the colonial treasury in payment, until the sanction of His Majesty's Government shall have been expressly given. We are aware that the patronage hitherto exercised by the governor will be abridged, and that of the crown augmented ; but we are satisfied that the appointment of the judges, under the form of judicature that we shall have the honour to propose, ought not to remain in the hands of the governor or lieutenant-

governor with any view to the independent discharge of their judicial functions, or to the character and dignity with which they should be surrounded ; and that the exercise of this right is not less conformable to the principles and practice of the British constitution, than to those promulgated as the basis of the charter of government traced for this colony by the commissioner of the Batavian Republic in 1803.

The appointment of treasurer, corresponding to the office of receiver-general, and that has been hitherto made by the local government, is also one of those that we are of opinion ought hereafter to be retained by the crown. The responsibility of this officer in both provinces, under the regulations that it is our intention to propose, will be much increased, and great difficulty will certainly be found in selecting persons in the colony of sufficient acquirements or pecuniary responsibility to undertake the charges that will devolve upon them.

With regard to other offices we recommend, that the appointment of secretary and registrar of the supreme court in each province, as well as of magistrates in the town and districts, should be reserved to the crown, with the power of provisionally appointing to vacancies by the governor and lieutenant-governor. The subordinate clerks employed in the judicial departments should be nominated by the principals, as also those in the office of the chief secretary to government. The residents and superintendents of district boards, and their secretaries, whose duties we shall hereafter describe, and also the clerks of the peace, corresponding to the offices of "secretaries to the districts," should remain with the governor and lieutenant-governor in their respective provinces.

His Majesty's Government will doubtless consider it proper to retain its own appointment of clergymen, both for the established and the reformed churches ; leaving the governor and lieutenant-governor to determine at what particular places in the colony their functions should be exercised.

While, however, the governor and lieutenant-governor enjoy the exercise of this patronage, and subject in every instance to the approbation of His Majesty, they should be positively prohibited from making any new appointment, or appropriating any portion of the public money or taxes by way of salary, until the permission of His Majesty be obtained and

signified ; and a certified copy of such permission should accompany all warrants of the governor and lieutenant-governor for the payment of salaries not included in a preceding estimate, as a necessary voucher, to enable the auditor to pass the account in which they are charged.

We will not conclude this subject without bringing to your Lordship's notice the great importance of giving due encouragement to the junior civil servants, by their advancement to situations of trust and emolument for which they may be found competent ; some promotions that at one time were made tended greatly to encourage the sons of respectable families in the colony to engage in the public service, and to induce them to adhere to it upon very inadequate salaries. Their hopes of preferment have, however, in many cases been defeated by the appointment of persons to lucrative and responsible situations, who possessed no claims from previous service, or from their knowledge of business ; and we are bound also to observe, that in several instances the duties have been performed by the junior servants upon the depreciated salaries of clerks, whilst the principals of the departments have enjoyed almost gratuitously very considerable emoluments.

This system is, we conceive, directly opposed to the real interests of the colony, which require the assignment of a sufficient, indeed, ample remuneration to persons well qualified to perform the duties of the several departments ; care being taken at the same time to exact such a portion of their time and personal attention as may supersede the necessity of having recourse to irresponsible and ill qualified clerks. The principle of gradual advancement from the lower to the higher offices in each department is one that should be adhered to generally, but not so rigorously as to prevent the governor and lieutenant-governor from availing themselves at any time of the superior qualifications, and rewarding the active services of any individual when brought to their notice ; and lastly, we would submit that a previous service in the law offices at Cape Town, or a competent knowledge of the law, should be considered as absolutely indispensable in those who are named to the offices of "secretary and registrar," and "clerk of the peace." The district secretaries and clerks have been very deficient in legal knowledge, and are constantly exposed to the influence of

local partialities, of hereditary prejudices, and of family connections, which in no part of the world operate more powerfully than throughout this colony.

We have in a former part of this Report adverted to the advantage as well as the disadvantage that had appeared to us to have arisen from the employment of the colonial native born youths in official situations in the colony, and your Lordship will be pleased to observe, that the objection that we have stated to the system, is limited to those situations in which the prevalence of local partialities and feelings might interfere with the independent and impartial discharge of judicial or magisterial functions. We think even that after the lapse of a few years, the necessity of this limitation will be found to have yielded to the effects which we are sanguine in anticipating from the principles and example of British judges.

We now will beg leave to add, that we should wish our objection to be strictly limited to appointments of a judicial nature, and that in other respects we have found abundant reason for approving the system of giving employment to the colonial youths of good character and education, as a measure of justice and sound policy ; and more particularly to recommend, that their claims to progressive advancement, arising from the qualifications they possess, or from past exertions very inadequately rewarded, should never be allowed to be disturbed or thwarted by the abrupt introduction of competitors from England, who have neither qualifications nor antecedent service to plead in their favour.

His Majesty having been graciously pleased to appoint a council for the purpose of assisting the governor in the administration of this government, we shall proceed to notice the effect and operation of it during the short period that has elapsed since its establishment, and to suggest such improvements in its constitution as appear to us to be necessary or advantageous, reserving to ourselves to offer such observations upon the circumstances of the colony, that may justify at a future period the establishment of a legislative council upon the more extended basis of popular representation.

Upon referring to the proceedings of the council, as detailed in their minute book, we think that a general disposition appears to have been hitherto manifested by the governor to appeal

to their opinion and advice upon occurrences of importance as they have arisen ; yet, whether from a feeling of deference to the duties in which we were engaged, and the course of investigation that we were pursuing, with a view to the amelioration of the existing institutions, or from not deeming them proper objects for the consideration of the council, we find that few subjects of a legislative nature, and those but of trifling import, have been submitted to them by the governor. We have also been surprized that no topics connected with the state of the finances and expenditure of the colony had been brought under the consideration of the council, at a period of such unexampled difficulty as that which has occurred during the last fifteen months. One instance only we observed in which the dissent of any member had been recorded, and we have been led to conclude from this and other circumstances, that although the constitution of the present council is not calculated to afford any effectual control over the executive authority of the governor, yet it ensures a more mature and ample consideration of measures of general importance, than would appear to have been antecedently given to them.

The power of acting contrary to the opinions of the majority, or the whole of the members of council, under the responsibility that is attached thereto by His Majesty's instructions, may be reserved to the governor ; but we should, on the other hand, recommend that every member of council should be at liberty to propose any measure for deliberation and adoption that he thinks conducive to the public interest, without any other previous restriction than that of giving a written notice of at least one week to the governor and members of council.

In the formation of the council for the eastern province, the means of selection are more limited ; but adhering to the same principle that has been adopted by His Majesty's Government in the formation of the council of the western province, by the appointment of the principal officers of the civil and military departments, and reserving the exercise of a full discretion in the choice of their successors, we should recommend that the number of members should be four, the commandant of the frontier, or officer next in command of the troops, being included, if he should possess the rank of lieutenant-colonel, with three of the principal officers of the civil departments.

The rules that have been prescribed by your Lordship in framing the proclamations or ordinances have already been attended with good effects, and have led to a more methodical arrangement of their contents than has hitherto been observed ; but as in the future exercise of their powers of legislation the governor and council may find it expedient to repeal or modify the enactments of antecedent laws and proclamations, we should recommend that in all such cases a short reference should be made in the preamble of each ordinance to the laws intended to be so repealed or modified ; a reformation will thus be gradually effected in those parts of the local or statute law that are repugnant and contradictory to each other.

The chief justice is, by your Lordship's instructions, required to certify that the laws and ordinances that may be passed by the governor in council contain nothing inconsistent with the laws of the colony, or with that part of the law of England which is in force here. It will, therefore, be expedient to declare, that all orders of His Majesty in Council, and acts of the British Parliament, by which the commercial and political interests of the inhabitants of the colony are in any manner affected, as well as all dispatches or contents thereof, giving the sanction of His Majesty to the ordinances of the governor in council, should be communicated to the members, and afterwards promulgated in the manner that has been usually observed.

His Majesty has been graciously pleased to direct that the administration of the districts which are to form the provinces into which the colony is in future to be divided, should be separate ; but as we think that it would be advisable to preserve an uniformity of principle in all enactments that are of a general nature, or that are intended to supersede or modify any general enactment, we recommend, that in the event of such being proposed by the governor or lieutenant-governor in council of either province, they should be transmitted reciprocally for consideration, and if alterations should be proposed to which the governor or lieutenant-governor in council object, a reference should be immediately made, with a full statement of the objection to His Majesty's Secretary of State for the Colonial Department, and submitted to the ultimate decision of His Majesty in Council.

All new regulations and ordinances that are of a local nature may be passed and published by the governor or lieutenant-governor in council respectively, without any previous assent or communication; but we recommend that the following restrictions should be considered as strictly obligatory upon them, both in the exercise of their executive or legislative functions.

Your Lordship will find by that part of our Report which relates to the judicial administration of the colony, that the powers exercised by the governors in the remission of punishments, whether derived from the royal commission, or the 136th article of the Crown Trial, have been very considerable, and have tended to impair that feeling of respect with which all decisions of the judicial authorities ought to be regarded. By the former instrument the governor is authorized to pardon all offenders whom he may deem fit objects of His Majesty's mercy, and to remit all punishments, fines and forfeitures, which power is limited by the 10th article of his instructions to sums under ten pounds sterling. He has also the power of reprieving persons found guilty of murder and treason, until His Majesty's pleasure be known. By the 136th article of the Crown Trial, he is authorized, on the examination of sentences presented to him for his fiat (comprising all those by which punishment denominated "public," but not capital, is inflicted by the commissioners of circuit, and by the landdrosts and heemraden), "to give such legal orders as the interests of justice, and the welfare of the colony may require."

Acting under this sanction, the governor has from time to time diminished the severity of the sentences pronounced by the inferior courts, but without any reference to the opinion of his assessors, who were appointed for the purpose of assisting in the correction of the prominent defects of criminal proceedings.

We should recommend, therefore, that in the exercise of all these portions of the royal prerogative, the governor and lieutenant-governor should be instructed to consult with and be guided by the opinions of the majority of His Majesty's council, and that no decision should be made upon any memorials or recommendations in favour of persons convicted, without a previous consideration of the report of the judge or judges by

whom they were tried. In all other respects we think that it may be necessary to instruct the governor and lieutenant-governor to abstain from any interference whatever with the orders and sentences of the courts of justice in the two provinces ; and that the power of removing or suspending any of the officers of justice should never be exercised by the governor, without a previous reference to the members of the supreme or other court in which such officers may be employed ; the power of punishing them for contempt or disobedience of their orders, or for excess of duty, remaining with the respective courts themselves.

Amongst the most important and formidable of those powers which have been exercised either under Dutch or English authority, is that which has been termed the "political removal" from the colony of individuals whose conduct was considered dangerous to the public tranquillity. During the government of the Dutch East India Company, it was principally exercised in the removal of the civil servants from one dependency to another ; but there are also instances in which it was applied to the class called "free burghers," consisting of persons whose terms of service to the company had expired, or who had obtained its permission to reside in the colony. There are instances upon record of both descriptions of persons having been compelled to leave the colony between the years 1738 and 1779 ; and we think that the authorities of the most respectable writers upon the law and constitution of the United Provinces, are not wanting to prove, that both in principle and practice the power of political removal was an inherent part of their constitution. It was considered by them as forming a part of the authority of government that was independent of the control of the law, and as being vested in the governors for the sake of preserving the general interests of society in moments of peril, or when its tranquillity was threatened by the conduct of turbulent and seditious men. We find that these removals of individuals from one part of the United Provinces to another were not uncommon ; and that they extended to the colonies. It seems indeed to have been the intention of the Batavian commissioner to recognize the practice, and to assign limits to it in the regulations framed by him in the years 1803 and 1804 ; in the 84th article of which it is

ordered, that "In no case whatever shall the attorney-general send any person by a political order out of the colony, or on board any ship in the roads, without the written fiat of the governor for the time being." And in the 101st article, it is provided that in cases where he "entertains a well founded suspicion that any inhabitant or stranger is dangerous to the public tranquillity or welfare of the colony, without, however, terms for an action appearing to him, he shall inform the governor thereof, and summarily state the reasons of his suspicion, in order to enable the governor to dispose with regard to such persons in such manner as he may deem most conformable to the general good." This authority was acted upon by Governor Janssens in the year 1803; and we find that previous, and subsequent to that period, it had been equally adopted by British governors.

The more recent authority by which the power of political removal has been considered to be sanctioned, is contained in the 29th article of the governor's instructions; and the terms in which it is conferred are sufficiently comprehensive to include every species of offence or danger to which the public interest is liable to be exposed. The cases in which the authority has been exercised by the British governors are not numerous, nor have they arisen out of circumstances that were wholly of a political nature, but from the apprehension or existence of practices either of novelty or danger, and against which the law had not provided, or could not reach with the rapidity necessary to prevent the dissemination of mischief. Your Lordship has been so fully informed upon the subject of the most recent exertion of this authority, that we do not think it necessary to recapitulate in this place the circumstances that gave rise to it. In as far as it constituted a part of the authority that was exercised by the Dutch governors, and to which by the tenor of their commissions the British governors succeeded, we entertain no doubt, and we think also that in time of war, circumstances might arise in which a governor would feel himself called upon, even without the sanction of any particular instruction or previous practice, to resort to the measure of political expulsion, and trust to the force of those circumstances alone for his justification.

The lawless disposition which at no very distant period

displayed itself in a certain portion of the Dutch population of this colony, proved the necessity of resorting to the last severity of which the law is capable ; and there can be no doubt that if the expediency of making a forcible example in the eyes of the community had not pointed to the severer remedy, the governor would have been borne out in resorting to the milder one of expatriation. There are acts, however, of a more equivocal kind, where the intention of an obnoxious individual, collected accidentally from his private conversation and demeanour, may raise suspicions or apprehensions respecting him, which although not liable to the cognizance of courts of justice, may in times of peril to the state justify the prevention of future mischief by the measure that has been designated "political removal."

It is known that to the inhabitants of countries accustomed to an arbitrary form of government, and a severe police, such occurrences do not occasion surprize or indignation ; and if the character of the population of this colony had continued to be what it was under the government of the Dutch East India Company, or even until later periods, similar instances might have occurred in it without exciting complaint. The introduction, however, of the English settlers, and the right of free discussion which they have claimed and exercised, together with the bold defiance they have given to the suspicions entertained of their disloyalty and disaffection to the government, have had the effect of exciting in the Dutch and native population a spirit of vigilance and attention that never existed before, to the acts of the government, and which may render all future exertion of authority objectionable that is not founded upon the law.

We think also, that although it may be expedient in time of war to give the power of political removal to the governor and lieutenant-governor, yet its exercise should be confined to aliens, or persons who are not natural born subjects of His Majesty, and who have not resided in the colony under the permission of the secretary of state for a longer period than five years, or who may not have held real property in the colony to the value of 500*l.* sterling for a longer period than six months, with the same sanction.

The power that has been exercised by the governor of levv'

new taxes and increasing the rate of old ones, appears to have been derived from the practice and authority of the Dutch government ; and we do not find that any imposts different in their nature from those which were antecedently levied have been introduced by British authority, although their amount has in most instances been increased.

A power has been conceded to the landdrosts and heemraden of the country districts to augment the ordinary taxes, for the purpose of meeting the charges of a contingent nature that might arise, but we trust that the measures which we have to propose for the future regulation of the finances of the colony will supersede the exercise of a power so liable to abuse.

We think it, however, necessary in this place to recommend, that the sanction of His Majesty should be requisite to enable the governor and council to alter the appropriation of any tax that has been levied for a particular purpose, where it may be found inexpedient to repeal it.

The power of creating paper money that was formerly exercised by the Dutch authorities has been resorted to only on two occasions since the year 1812. By the sixth article of his instructions the present governor was prohibited from making any addition to the amount of paper money in circulation at their date (1813,) and he was also instructed to withdraw from circulation a sum of 500,000 rixdollars, that was created and issued for the execution of public works, but of which 15,000 rixdollars only were redeemed ; and we think that the prohibition in question should be repeated, with such positive denunciations of responsibility as may deter any future governor from resorting to such an expedient, or continuing to avail himself of it. In consequence of the recent decision of the Lords Commissioners of His Majesty's Treasury, and the authority they have given for the redemption of the paper money at the rate of one shilling and sixpence sterling for every rixdollar, with a view to arrest the injurious fluctuations of the exchange, and the farther depreciation of the currency, it may be expedient, with a view to assist the operation of that measure in a mode that may in some respects be more acceptable to the inhabitants than by the transfer of their credit to England, to authorise the colonial government to issue debentures to the extent of fifty thousand pounds sterling, in sums of not less than

one hundred pounds, and bearing an interest of six per cent per annum payable in the colony, or four per cent in London, and redeemable in seven years. In no other instance should we venture to recommend that any power of pledging the colonial revenues, or other resources of the government, for the payment or security of any debt incurred by it should be given.

From the injurious consequences that have attended the expensive wars in which the colonial government has engaged for the protection of the country from the Caffres, we conceive that no offensive hostilities whatever should be allowed to take place along the frontier of the colony, without the concurrence of the lieutenant-governor, and of the majority of the council in the eastern province; and that war should not be declared against any of the independent tribes, by which the resources of the colony at large might be necessarily called forth, without the concurrence of the governor, and the majority of the council in the western province, upon a full report of the grounds upon which the lieutenant-governor and council may declare it to be unavoidable.

Having adverted to the restrictions and modifications of authority that we propose to add to those which already have been prescribed, we will now offer a few observations upon the principles on which the council has been authorized to advise and assist the governor in the performance of his executive and legislative duties. With regard to the composition of the council, we are disposed to think that no better selection could have been made, but we cannot refrain from expressing an opinion, that although the principle, upon which it appears to us to have proceeded, of selecting the highest and most responsible officers of the civil and military departments, is the only one that is applicable to the present state of the colony, yet we much doubt whether for the purposes of legislation it may be consistent with the public interests to include in such a body the highest judicial functionary of the colony. The resignation of his office that has been for some time contemplated by the learned president of the court of justice, will shortly remove that objection, and without any reference to, or knowledge of the qualifications of his successor, we should be much disposed to think that the appointment of the attorney-general to [redacted] in the council would be attended with the benefit t'

council must always derive from the professional knowledge of one of its members, while it would remove all reasonable grounds for those suspicions that never fail to arise from the combination of the legislative and judicial powers in the same person. This arrangement would not preclude a reference to the chief justice, of all local enactments, with a view to obtain his certificate that they are not contrary to the laws of England.

We will also take this opportunity of remarking, that although it is desirable that the military officer next in rank to the governor should have a seat in the council, yet the fluctuations to which the succession to it is exposed by the arrival or departure of officers in command of regiments, when ordered to other stations, and the period of their service in the colony not generally exceeding three years, give occasion to more sudden and frequent changes in the council than are consistent with its character and dignity, and also may deprive it of the assistance of members after they have acquired the experience that qualifies them to give it. By the practice hitherto observed, the officer of the highest military rank after the governor has succeeded to the command of the garrison of Cape Town, with colonial pay. By the reduction that we mean to propose to your Lordship, of the situation of military commandant of Simon's Town, and the annexation of his pay to that of Commandant of Cape Town, we conceive that the last of those situations might be rendered acceptable to a military officer, who would be independent of regimental charges, and be permanently attached to the garrison of Cape Town, with the local rank of brigadier general in the colony.

We should also recommend that in the future admission of members of council, no other rule of precedence should be adopted than that of priority of appointment, and that no person should be considered as qualified to receive one who possessed any interest in slaves, whether it be by purchase or inheritance.

Limited as the constitution of the two councils will be, when compared with the power and duties attributed to them, we still think that they are calculated to give weight and consistency to the decisions of government, without affording any reasonable apprehension of lessening its legitimate influence, or of obstructing the course of its executive duties. It is an

institution familiar to the recollection of many of the inhabitants, who from never having enjoyed the opportunity, or perhaps from never having felt a motive for taking an enlarged view of the advantages derived from institutions of a more liberal kind, do not generally extend their wishes beyond it, although the abolition of the provincial jurisdictions which we recommend, and in which they have participated, throughout the colony, since its earliest establishment, would probably lead them to do so. But even at this moment a different feeling pervades the younger portion of the community, who, born under the British government, are beginning to acquire a taste for the habits and language of Englishmen, and evince a disposition to adopt their modes of thinking. The prevalence of this feeling originating with the few whose circumstances have enabled them to obtain the advantages of European education, is mainly attributable to the wise measures that have been adopted under your Lordship's auspices for the establishment of schools, and the general introduction and diffusion of the English language, and cannot fail to be greatly increased by the early adoption of it in the courts of justice, and the gradual acquaintance that will also follow with the practice and principles of British jurisprudence. To this portion, who (without offence be it said to their parents, who have not enjoyed similar advantages,) may be justly considered the most valuable of the community, and who feel an honest pride in the advancement of their native country, and a laudable desire to participate in it, we may fairly and truly ascribe a wish to enjoy the benefits of a legislative assembly. It is to be observed that all or most of these individuals are possessed of some interest in the soil, and while their views in life, and their occupations depend much upon its produce, they feel a permanent attachment to the colony which ought not to be overlooked, either in forming an estimate of their character, or in tracing the constitution under which they are to live. We think also that the prospect of participating in the future prosperity of their native country, and of providing a legitimate and constitutional remedy for the errors or the misfortunes with which it has had to struggle, will tend greatly to induce a cheerful co-operation in the exertions and sacrifices which the circumstances of the colony may still require from its inhabitants,

and to alleviate the spirit of discontent which late events have tended to excite, and which has, in some measure we fear, impaired that feeling of respectful attachment to the British Government which a sense of former benefits had produced. To the English part of the population who have adopted the colony as their home, or to those who may repair to it hereafter, an institution so congenial to their feelings cannot fail to be acceptable. There are not many of them at present, who in point of permanent property, would be entitled to a seat in a legislative assembly, and still fewer, who are competent, either from previous habit or education, to discharge the duties that belong to that station ; but if a sense of personal security, or the hope of a more perfect enjoyment of civil rights, be connected in their minds, (which it assuredly is,) with the freedom of discussion in a legislative assembly virtually appointed by themselves, we cannot doubt that such an institution, imperfect as it might be, would make them more satisfied with their condition, and less clamorous for a change.

With this impression of the feelings of the community, we venture to express a hope, that when sufficient time has elapsed to admit of the more perfect acquirement of the English language by the native inhabitants of the colony, and to enable them to share in the business of public discussion upon equal terms with their English fellow subjects, and more especially when the effects of the measures now in progress for the amelioration of the slave population shall have placed the future condition of that class, or, more properly, that of their children, beyond the reach of legislative caprice or control, and shall have rendered the re-action of such measures more dangerous than the precipitation of them, the institution of a legislative assembly in each province of the colony may be resorted to, and with every reasonable prospect of contributing to the tranquillity and happiness of both.

These assemblies in the first instance would not require to exceed twenty members for the western, and eight for the eastern province, and in conjunction with His Majesty's councils, their separate institutions would not preclude a future union of them in either province, when the circumstances of the colony might render such a measure desirable.

We have already had the honour to advert to that portion of

the administrative power that is entrusted to the landdrosts of districts, and the boards of heemraden, of which they are the presidents ; and we shall hereafter have to explain at greater length the extent of judicial authority with which, from necessity we conceive, rather than from policy, it has been deemed fit to invest them, more especially since the year 1817, when a criminal jurisdiction was first allowed to them, to obviate the inconvenience and expense of conveying prisoners and witnesses from the remote districts to Cape Town for trial before the court of justice.

In later periods it has been found very difficult to select persons who possessed a sufficient knowledge of judicial business, to administer the law with any degree of correctness ; and without meaning a reflection upon those who have been called to these situations, we believe that all are ready to admit that although the augmented jurisdiction which was given to them in 1817, has afforded relief to the inhabitants in some important particulars, yet they have felt conscious of their inability to do justice to the various duties that were thrown upon them. That part of their duties which consisted in originating prosecutions, and conducting them to a certain stage of the process, frequently came in conflict with the character that afterwards devolved upon them of judges, in which character the cases were referred to their further cognizance by the court of justice, and allowed to be continued until they were ripe for judgment and sentence, which was pronounced by that court, although they had not heard the declarations of the witnesses.

In the performance of these duties the landdrosts, either as prosecutors or as judges, received but feeble assistance from the heemraden, whose views of impartiality or of justice in cases in which the coloured classes were engaged before them, were much perverted by the prejudices and habits that have become almost hereditary amongst them, as well as the lower classes of the white inhabitants. As tribunals of justice therefore, or even as forming a collective magistracy of police, invested with considerable power over the coloured inhabitants, and with a discretionary power over the white inhabitants, that was liable to much abuse in consequence of its remoteness from observation or control, we cannot, even with the advantage of that distance being now abridged by the separation of the colony into two

provinces, contemplate the continuance of them without endeavouring to point out the means at least of correcting the evils they have engendered, although the experiment must be attended with some additional expense, which we hope will be justified by the benefits to be derived from it.

After touching upon the imperfections of these institutions, in their character of provincial judicatures, we have yet to offer some observations to your Lordship upon them, when acting in the administration of the revenues.

Annual meetings of the boards are held to examine and to sign the general accounts for the past year for transmission to the colonial office, to calculate the assignments for the current year, and to receive from the inhabitants their contributions.

In our Report upon the Finances we shall have occasion to explain to your Lordship how very imperfectly these important duties have been performed, and the extent to which the public interests and the convenience of the individuals have been compromised. We will here only observe, that no vouchers accompanied the accounts, and consequently no audit of them took place at the seat of government: useless expenses were incurred, in the execution of which the landdrost and heemraden had an interest; and when we come to recapitulate the public works that are yet required, your Lordship will find that some of the most useful works have been neglected.

The attendance of the heemraden for the receipt of taxes, has afforded no beneficial check, either upon the calculations or receipts, while the system that we shall have to explain has been productive of great irregularity in the collections, and considerable inconvenience to the inhabitants, who have been required to attend at the drostdy for the payment of their taxes. Even an interest has existed in the delays of which these forms have been productive; and viewing the complicated details in which the system is involved, and the little benefit that has resulted from them to the public, we are prepared in our financial Report to recommend the entire abolition of the system, and the substitution of one more simple in its character, and more subject to the control of the government.

In the inspection of the lands, the boards of landdrost and heemraden have exercised a considerable influence in regulating their distribution, and in fixing the amount of quit rent to be

charged upon them. This duty has required them also to make expensive journeys to different parts of the districts, and to be absent from the drostdies at times that the judicial and police business have required their presence.

As the survey of the lands has been necessarily entrusted to the surveyors, and as the neighbouring inhabitants may afford even more correct information as to their value and resources than the heemraden, we have considered that the interests of the public will be better consulted by bringing this important branch of the revenue, and the patronage of the government, under its more immediate control, and as well as in the collection and disbursements of the revenues, to entrust them to a smaller number of executive and responsible officers, under the immediate direction of the general departments to which they will respectively refer. With these views it is unnecessary that we should further advert to the ill effects which the performance of such duties have had upon the administration of justice in the districts, by placing the landdrosts and heemraden as collectors of revenue in the situation of suitors and defendants in their own courts, and leading to undue severity in some cases, and to lenity in others ; and as inspectors of land, by a sacrifice of the public revenue, either in subservience to their own views, or the interests of their neighbours.

Upon a review of all these circumstances, it has been our anxious endeavour to provide a corrective of the evils to which we think the institution of these self-elected boards have unavoidably led ; and we trust that against the consequences of that which appeared to us to be the most intolerable, namely, the virtual supercession of the powers and just influence of the colonial government, effected through the silent and unperceived encroachments of the landdrosts, we have provided effectual security by the division and transfer of duties that we propose to introduce.

In spite of the assiduity and punctuality with which the epistolary communications between the seat of government and the distant districts were maintained in the later periods of the administration of Lord Charles Somerset, and the precautions that were adopted in the colonial office to preserve it, there were, notwithstanding, various points of administration that appear to have escaped its vigilance, of which

remained too long uninformed. Various expedients, we believe, were tried to ensure the regularity and fidelity of reports from the landdrosts themselves ; and certainly a very laudable anxiety was manifested in the regulations of 1803, to keep the government informed of the state of affairs in the remoter districts by the subordinate functionaries, in all that regarded the duties of police.

Whether from the natural increase of the population, the quickened circulation of intelligence, (an advantage for which the colony is indebted to the later British administrations,) an increase in the criminal jurisdiction of the landdrosts and heemraden, and lastly, by the operation of what has been termed the "great measure," of converting the loan tenures into free-hold, the duties of the landdrost, which twenty years ago were confined to those of general police and superintendence, have been multiplied to an extent that has seemed to us to require both the application of the ordinary remedy of division, and a more strict reference to the qualifications of the individuals selected to discharge them.

For the purposes perhaps of mere police, and for the due discharge of the magisterial functions, as well as for facilitating the important business of registering slaves, and executing private deeds and agreements, it were to be wished that the districts now called drostdies, but to which in future we propose to give the designation of "counties," should be multiplied, and their dimensions reduced ; and we think that they may be so, when the causes of the general increase of population, and of its tendency to closer association have begun to operate, and all checks to it have been fairly removed.

The number of districts into which the western province is now divided is four ; comprising one sub-drostdy. These districts are of unequal extent and population, and differ likewise in their produce. The Cape district comprises a tract of country that is chiefly productive in corn, and its population consists of 8,969 souls, of whom 3,699 are slaves. In this quarter, the population is more condensed than in the other parts, and it contains several well-established farms. The civil and judicial business of this district is considerable, and is transacted at Cape Town, where also the landdrost and most of the heemraden reside ; we think that this establishment

might be entirely dispensed with, and that the judicial and police duties might be transferred to the sitting magistrate of Cape Town. In aid of this magistrate, we should recommend that a selection should be made of two or three of the most competent persons in the Cape district, to act as justices of the peace in the sub-divisions, now called field cornetcies, invested with very nearly the same powers as those that are conferred by the English commissions, and giving them jurisdiction in every part and division of the same county, either to act alone or conjointly. It will be necessary to allow the assistance of an English clerk to each of these magistrates, and allowance for stationery.

The district of Stellenbosch is of larger extent than that of the Cape, and contains a population of 16,446 souls, of whom 8,699 are slaves. The greatest quantity of wine, and of the best quality, with the exception of the Constantia, is produced in this district, and the population is somewhat less dispersed. The drostdy or residence of the chief magistrate is at the town or village of Stellenbosch, an inconvenient situation for the inhabitants of a large part of the district, and somewhat removed from any direct communication with Cape Town. The population, however, in and around the town, is so considerable, that we should not recommend a change to be made in the residence of the civil magistrate, but upon the same principle that we have suggested as applicable to the Cape district, we should recommend the appointment of an acting magistrate at or near the village of the Paarl, and also towards the division of Riebeeks Casteel or Zwartberg; to which may be added a third, in the village of Somerset, near Hottentots Holland.

The district of Swellendam contains a population of 13,746 souls, of which 3,041 are slaves. It includes the late sub-drostdy of Caledon, where there is now only a resident magistrate. The present state of the drostdy and town of Swellendam exhibits no symptoms of a tendency to improve, or to attract population; and if the operation succeeds that has lately been attempted, of making the mouth of the Breede River the place of export for the grain that is grown in the upper parts of the district, and in some parts of that of George,

we are disposed to think that at some future period a maritime population at least will be attracted thither, and find good employment in the navigation of coasting vessels to and from Cape Town. For the present we recommend the appointment of a civil magistrate at Swellendam, and of two or more justices of the peace in the remoter parts of the district, above the mountains, and in the neighbourhood of the coast.

The district of Worcester, including the sub-drostdy of Clanwilliam, and the sub-magistracy of Tulbagh, contains a population of 11,623 souls, of whom 4,711 are slaves. We here beg leave to advert to the expediency of a measure that we have already had the honour to suggest in a former Report, dated the 21st April 1825; your Lordship will there find, that the removal of the drostdy of Tulbagh to Worcester occasioned much dissatisfaction to a large body of inhabitants of the more remote sub-divisions of the district called the Nieuwveld, Roggeveld, and Bokkeveld; and although some reduction of expense has been effected by the abolition of the office of deputy-landdrost and others at Worcester, yet the convenience of a large body of inhabitants has been altogether overlooked by the new arrangement, and rendered subservient to the speculative attempt to fix a population in a situation that was considered more favourable to its growth than that of Tulbagh: this object might have been effected without any such sacrifice, by placing at the latter village a subordinate magistrate, who before was established at Worcester, previous to the removal thither of the drostdy; and such is the nature of the alteration that we now beg leave to submit to your Lordship, both as consistent with the general and particular interests of the inhabitants of all the sub-divisions. We also recommend that a civil magistrate should continue to exercise his functions at the sub-drostdy, or future county of Clanwilliam.

There are, however, some other circumstances arising from the local situation of the district of Worcester, to which we feel it our duty to call your Lordship's attention in this place. A considerable portion of the northern and eastern parts of this district, denominated the Bokkeveld and Nieuwveld, are situated at a distance of three or four days journey from Tulbagh. They have been gradually and, as it were, imper-

ceptibly occupied for uncertain periods of the year, by people who derive their support from grazing large herds of cattle upon the stunted herbage and shrubs of the plains, in which the supply of moisture either from rains or from springs is so uncertain that they are perpetually seeking for it in new tracts, or disputing with each other, or with the native tribes, about the access to accidental deposits ; and in the winter season are compelled to resort to the plains of the Karroo, situated on the southern side of the mountainous ridges, as well as to avoid the cold temperature, which is sufficiently severe to injure their flocks and herds, and to suspend vegetation. The progressive occupation of these tracts has induced the formation of a new frontier line, within which we believe it is intended to include a considerable portion of those that are situated on the Zak River, and which have, until the last eight or ten years, been the occasional resort of that unfortunate race of men called "Boschmen," and a small number of the mixed race called "Bastaards."

Without anticipating what we have to detail upon this subject, we beg leave here to state, that unauthorized attempts are still made by the inhabitants of this remote part of the district to possess themselves of any portions of land that they find necessary for the support of their flocks, and by which we fear that tracts which are very unproductive have been added to the colonial territory, and are incapable of defraying the expenses of its administration.

However distant the hope may be of effecting the concentration of these scattered colonists, we cannot help urging the appointment of a person invested with magisterial authority, and by whose influence some change may be effected in their lawless habits, and some protection and encouragement afforded to the coloured races who have sought it, and are not unwilling to become permanent occupiers of land, or to settle in villages, and thence to enter into service for short periods.

In extending our observations to the districts that are to compose the eastern province, we will first take that of Graaff Reinet, immediately adjoining the district of Worcester, and as partaking much of the same character and local circum-

stances. Its extent, including the sub-drostdies of Beaufort and part of Cradock, is very considerable, and its population consists of 27,647 souls, of whom 3,124 only are slaves. It is in the mountainous ridges of this extensive district that the sheep and cattle are reared with which the market of Cape Town and the demands of the corn and wine farmers for draught cattle are chiefly supplied. From nearly the same causes that have led to the gradual extension of the frontier of the district of Tulbagh, that of Graaff Reinet has proceeded, but in another direction and to a greater extent.

The applications of the graziers for occupancies have followed the course of the Sea-Cow River, to the place where it falls into the Orange or Groote River; and a late survey of the boundary has been drawn, with a view to include a new and very large tract of country that extends from the Winterberg to the northward of the Zak River, on the western frontier.

The pursuits of the people to whom the occupation of tracts under the name of "request places," has been granted by the magistrate of the district, and which are yet unconfirmed and unsurveyed, consist altogether of grazing sheep and cattle during certain parts of the year, and keeping up an illicit trade in fire arms and gunpowder with the Griquas and Bechuana tribes, who, under the guidance of elective chiefs, and assemblies of the most popular form and structure, are endeavouring to establish an ascendancy over their remoter brethren, and at the same time to maintain a war of extermination against the unfortunate Boschmen, who have no property to lose. To these ravages have been attributed the deplorable state of distress to which many of these tribes have been reduced, and which has led numbers to seek refuge and subsistence in the colony, where they have been apprenticed to those colonists who are not slave owners.

Missionaries have been permitted to proceed to a greater distance in this direction than in any other; and although no great advance appears yet to have been made in the civilization of the tribes, nor advantage to have been gained from the trifling intercourse which their presence in the country may have tended to encourage, yet it has produced a feeling of respect for the English name and character, and a desire for peaceful

intercourse that may hereafter supersede the necessity of military protection against them, or the continuance of that hostile array on our frontier that obliges almost every herdsman to bear arms. The police and superintendence of these remote tracts, distant not less than six days journey from Graaff Reinet, is necessarily placed under the management of persons who from habit and occupation sympathise too nearly with the inhabitants, to be able to preserve an impartial line of conduct in disputes between the boers and the natives who enter into their service, or in framing their reports of occurrences to the landdrost ; they likewise yield to, instead of opposing the eagerness of the boers to engage in commandos against the Boschmen, and afford no restraint upon the ferocity with which, we regret to say, these expeditions (though less frequent than formerly) are still conducted.

Upon these grounds we cannot refrain from recommending that a civil magistrate be appointed to reside in the most eligible situation that can be pointed out between the Winterberg and the junction of the Sea-Cow, and the Groote or Orange Rivers, the extreme point in a northerly direction, to which we understand that the frontier of the district of Graaff Reinet is to be carried.

Upon a future occasion we shall have to notice the necessity of providing for the religious wants of the inhabitants of this remote district ; and of the policy by which we think that the intercourse with the frontier tribes should be regulated. From the remarks that we have already made upon the natural and acquired advantages of the situation of the town of Graaff Reinet, we of course are led to recommend that the seat of magistracy should be continued there ; and we also think, that the position of Beaufort, now a sub-drostdy, was judiciously chosen as a point of connection and intercourse between the southern and northern districts of the colony, and for intercepting the escape of fugitive slaves and Hottentots, who sometimes betake themselves to the tracts upon the frontier, to effect their schemes of plunder, before they join the tribes that live beyond it. The expense of any measure that will tend to give activity and energy to the officers of police at Beaufort, will, we think, be repaid by the general benefit that

the inhabitants will derive from their exertions. The village is situated upon the edge of the Karroo plains, and partakes much of their nature and character. The population is inconsiderable, but is likely to increase, when the communications with the eastern and western provinces are improved.

The district of Somerset, which has been lately formed out of part of Graaff Reinet, the sub-drostdy of Cradock, and part of Albany, is neither populous nor extensive, but it is contiguous to those parts of Caffraria in which the tribes are most hostile. The position of the new drostdy of Somerset, and the residence of the present landdrost, will facilitate the superintendence of that quarter, and the execution of the measures that are necessary to restrain the yet lawless habits of some portion of the colonists. We recommend that one or more justices of the peace should be appointed amongst the inhabitants of the sub-division of Cradock.

In the district of Albany, the population consists of 2,767 persons, of whom 400 are slaves. The pressure of judicial business has been felt here more seriously than in any other portion of the colony ; and the increasing necessity of providing for it has led to the appointment of a local magistrate at the mouth of the river Kowie, distant thirty miles from Graham's Town : the powers of this magistrate are limited, but we see no reason for not giving them the same extent as those of other justices of the peace.

In the district of Uitenhage, where there is a population of 8,399 persons, of whom 1,132 are slaves, we think that the addition of subordinate magistrates, or resident justices of the peace, will be very beneficially felt, and provided with less difficulty than in other districts. The officer in the military command at Algoa Bay has lately been appointed to act as a magistrate, with limited authority ; for reasons applicable in other cases, the separate appointment of a magistrate is desirable for Algoa Bay.

In the remaining district of George, which contains a population of 6,737 persons, of whom 1,919 are slaves, the appointment of additional magistrates may be found difficult, but as there is some probability that an increase of population may at no distant period take place at the mouths of the Knysna

and Kromme rivers, it will be expedient to make some provision in those quarters. The population of the chief village of George has experienced very little increase since its establishment, owing, in some measure, to the very limited means of the inhabitants of the district, the difficulty of internal communications, and the general poverty of the soil. The Hottentot village in the neighbourhood is more populous.

**WESTERN PROVINCE:**

Four Judges of County Courts.	County of Stellenbosch. ditto Swel'endam. ditto Tulbagh. ditto Clanwilliam.
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Four Resident Magis- trates.	Simon's Town. Caledon. Worcester. Nieuwveld.
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**EASTERN PROVINCE:**

Five Judges of County Courts.	County of Beaufort. ditto Graaff Reinet. ditto Somerset. ditto Uitenhage. ditto George.
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Three Resident Magistrates.	Port Frances. Port Elizabeth. Winterveld.
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**PRESENT ESTABLISHMENT:**

Number of Landdrosts . . .	9
Deputy Landdrosts . . .	2
Resident Magistrates re- ceiving Salaries . . .	3
Total . . .	<u>14</u>

the present circumstances of the colony to require such a distribution.

We will not here repeat the objections that we have already stated, to the employment of the description of persons to whom the judicial functions in those several districts have been assigned, whether arising from the local prejudices that we fear are common to and hereditary amongst the native Dutch inhabitants, and which have been insensibly imbibed by the other class in consequence of long previous association and connection

From the enumeration that we have now made of the several seats of magistracy in each province, your Lordship will perceive that there are eight places in the western, and eight in the eastern, in which it will be most expedient and necessary that judges of county courts or resident magistrates should be stationed, and causing a difference of only two in the number of those who now act in that capacity as landdrosts, sub-landdrosts, and resident magistrates, receiving stipends from the colonial funds. It will also occur to your Lordship, that although the number of judges of county courts to be provided for in the eastern province, where there is a smaller population, is greater than that for the western, yet the scattered state of that population, and its character, seem to us in

in the colony. After much consideration of the subject, therefore, we have concurred in recommending, that the appointments to the principal civil magistracies should consist of persons selected by His Majesty's Government, who have either acted as magistrates, or who, from their education and habits, have acquired a competent knowledge of the principles of British jurisprudence. From the arrangements that we have proposed for their remuneration, we think it probable that persons of this description may be found amongst the junior members of the bar, in either of the three parts of the United Kingdom, who will not be unwilling to proceed to the Cape, keeping also in view the advantages of its climate, and the generally moderate expense of living. It will not, we fear, be practicable at present to provide them with suitable accommodation in houses, or except at particular places, to defray that expense, but we think that it will not form any considerable deduction from their stipends; a difference will be recommended in the salaries of those magistrates who are appointed to places of inferior importance, and in which neither the

Simon's Town.  
Caledon.  
Worcester.  
Nieuwveld.  
Winterveld.  
Port Frances.  
Port Elizabeth.

population is so great nor the duties so heavy as in the larger ones. The number of these will amount to seven. As they will, however, be situated more remotely, it will be of equal, and in some respects of greater importance, that they should be respectable in their characters, and competent to their duties.

Our observations having hitherto applied to the appointment of magistrates, whose functions and duties we shall more particularly describe in the next part of our Report, we proceed to the consideration of the administrative duties which have been assigned to the landdrosts, and to which it is our wish in future to limit them, in such of the districts as we shall name. With reference to the observations that we have already submitted, we have now the honour to propose that the persons who act as landdrosts of the following districts or counties of Stellenbosch, Swellendam, Worcester, Graaff Reinet, Somerset, Uitenhage, and George, and an individual to be specially appointed for the same purpose in the Cape district, should remain attached to each in the capacity of "civil commissioner,"

whose duty should be to visit and inspect every sub-division of the district once at least in every year, and to report to the respective governments their state and condition, and all political occurrences and changes, as often as may be required ; they should also include in their report the progress of all public works undertaken by order of the respective governments, and their conformity to the conditions of the contracts, together with the state of the roads and farms, and the repairs of which the public buildings may stand in need ; the superintendence of gaols and convicts, and the expense of their maintenance, and mode of employment, may be left to the magistrates.

The field cornets, who in future should be designated by the name of constables, should be also ordered to report to the commissioners on these subjects ; and upon all questions of police, to the resident magistrate of the county.

The duties of collecting the revenue under the several heads of taxation that we propose, in lieu of those that we have considered objectionable, will next be assigned to the civil commissioners, together with the charge of prosecuting defaulters in the court of the district magistrates, and recovering penalties for breaches of the regulations and laws made for the protection of the revenue. The accounts of the expenditure in the counties will be kept by the commissioners, and transmitted at the end of every half year to the respective treasurers, with estimates of the expenditure required for the following one. Lastly, the Commissioners will be required to report upon applications for lands, to state the circumstances of the several applicants, to preside over and direct the surveys, and finally, to draw up reports to accompany the maps or diagrams of the land surveyors. The commissioners will continue to occupy the houses of the different landdrosts ; but it is obvious, that a large portion of their duties will frequently require their personal presence in the different sub-divisions of their counties.

We will not enter here into a more particular detail of these duties, or the amount of remuneration which we propose to assign to them, as they more properly belong to the consideration of the colonial establishments, and of the different branches of the revenue, the collection of whic<sup>1</sup>

arrangement directly committed to their charge, and as their remuneration will be partly provided for from the collective allowances hitherto granted to the landdrosts, heemraden, and secretaries of districts.

For the Cape County . . . 1  
 County of Stellenbosch 1  
 County of Swellendam.  
 including Caledon . 1  
 County of Tulbagh, in-  
 cluding Worcester . }  
 County of Clanwilliam. }  
 Nieuwveld . . . }

For the Western Province . . 4 Com<sup>n</sup>.

For the City of Graaff Reinet, in-  
 cluding Beaufort and  
 Winterveld . . . 1  
 Counties of Somerset  
 and Albany . . . 1  
 Counties of Uitenhage  
 and George . . . 1

For the Eastern Province . . 3 Com<sup>n</sup>.

Nieuwveld, and that three similar appointments should be made in the eastern province for the administration of the counties of Graaff Reinet, including Beaufort and Winterveld, Albany, including Somerset, and Uitenhage, including George, making altogether four commissioners for the western, and three for the eastern province.

As the institution of the burgher senate comprehends some portion of the authority and functions, for the exercise of which we have now attempted to provide, and principally consists of the collection, management and application of the town revenues, we think that it may be convenient to take this opportunity of submitting it to your Lordship's notice, together with the reasons by which we are induced to conclude that, under the arrangements that we shall have to propose to your Lordship, the institution may be altogether dispensed with.

The burgher senate originated in the appointment of two persons by the Commissioner Van Goens in the year 1657, to deliberate in criminal matters, and to assist in the trial of freemen, as contradistinguished from those who were in the service of the Dutch East India Company. <sup>— 41 —</sup> following

year this number was increased to four, under the appellation of "Burgher Raaden," or burgher council, and their jurisdiction was extended to civil cases. They continued to exercise these functions until the year 1784, when a court of justice was established, composed of a president who was a member of the council of policy, and twelve members, six of whom were servants of the East India Company, and six were members of the burgher senate, who were made permanent. They continued to exercise their share of the judicial functions until the courts were remodelled in 1792, by the commissioners of the Dutch government; and also constituted a board, in which capacity they regulated and administered the affairs of the town, and also of the Cape district, until the latter was placed under a separate jurisdiction in the year 1809; the board having originally been constituted by the governor, subsequently exercised the power of nominating four persons, out of whom the governor elected two to fill the vacancies occasioned by annual retirement.

The commissioner of the Batavian Republic, in the year 1804, expressed a wish to open the election, by giving a power to a certain number of the burghers of Cape Town to return the members, but the proposal not having been favourably received by the governor, General Janssens, the former constitution of the burgher senate was continued, and the number of members which had been limited to six, by a proclamation of General Sir James Craig in the year 1796, was reduced to five, by a revised proclamation of the commissioner, dated 4th April 1804. It was also understood that the privileges and duties which the commissioner had assigned to the burgher senate, in certain provisional instructions framed by him before he left the colony, would be embodied and confirmed by a charter that was to be granted by the Batavian Government. It appears that this instrument was never transmitted to the colony, but certain renewed and provisional instructions dated in the year 1805, making several alterations in those that had been framed in the colony by the commissioner, were transmitted, and have been acted upon until the year 1809, when by an order of Lord Caledon, communicated by the ~~deputy~~ secretary, it was signified that the burgher senate ~~should~~ future consist of a president and four members, each

should succeed to the presidency by seniority, and continue to exercise that office for two years, with a salary annexed of 3,500 rixdollars. The retiring members were made re-eligible, but the president could only be re-elected after the lapse of two years from the period of his retirement.

Taking the provisional instructions last referred to as declaratory of the powers and duties confided to the burgher senate, we find that they are entrusted with the management of the town lands that lie within certain boundaries more particularly described in the 8th article, and including Cape Town, the hills above it, and from thence to the sea. With the approbation of government they may dispose of such portions as do not interfere with the military defences. They regulate the construction of buildings and houses in the streets and avenues of the town, with a view to its improvement and security from fire, or inundation, and provide for the cleanliness of the sewers and streets, and their repair. The burgher senate is also charged with the care of the water-pipes, which contribute so essentially to the comfort and convenience of the inhabitants and the environs, and have the superintendence and direction of the fire-wardens, and of that class of the population placed under them called "free blacks," whose services they can gratuitously command, either for the periodical exercise of the fire-engines, or in case of accidents from fire.

The regulation of the quality and price of meat and grain is entrusted to the burgher senate; the inspection of weights and measures, and the administration of a grain fund, which was established for the purpose of checking monopolies, and of providing for the supply of the inhabitants in cases of scarcity.

In the application and exercise of these controlling and administrative powers, the burgher senate is authorized, with the advice of the attorney-general, to frame regulations, and to enact penalties; which, upon receiving the approbation of the governor, are to be put in force by the former with as much vigilance as if they had emanated from the government itself.

The appointment and control of the night watch, and the arrival and removal of all strangers in and from Cape Town, as well as their domicile, form a part of the executive police that has been lately transferred to the superintendent. <sup>but the</sup>

burgher senate still continues to exercise a very vexatious control (under the pretext of securing their services in case of fire,) over the free blacks, who are required to take out a pass from the director of the fire-engines, to enable them to proceed to a short distance in the country, even for a few hours, and without which they are liable to be apprehended and lodged in gaol.

The burgher senate is also authorized to apprehend beggars and vagrants who are found in the town, and are charged with the care of such poor or aged and infirm persons, as well as lunatics, as have contributed to the town taxes, have resided three years in the colony, and have no means of their own, and are not supported by any church fund. For this purpose the "Somerset Hospital" was purchased out of the funds, and was also placed under the management of the burgher senate, who appoint the medical officers and servants of the establishment. Amongst other subjects committed to their care, was that of education and the superintendence of schools in Cape Town, a duty which is now almost entirely in the hands of the bible and school commission.

By the 29th article of their instructions, the burgher senate are directed to attend to the morals of the inhabitants, and to represent to the governor any acts of excess or licentiousness in individuals that may have an influence over others, and be injurious to themselves.

The collection, receipt and administration of the taxes paid by the inhabitants of Cape Town, and the environs already described, constitute the most important branch of their functions. They have no authority to impose new, or to increase the amount of former imposts without the consent of the governor; and they are required to transmit for his approbation, at the end of each year, estimates of the probable receipt and expenditure of the following one, together with an account of persons who have become liable to taxation by age or domicile, or of any increase or diminution in the rate at which they have been previously assessed. They are also required to transmit to the government an annual account of their receipts and disbursements.

For the purpose of enforcing their administrative -  
they can compel the attendance of persons by the

summonses, and until very lately their messenger was authorized to execute writs for the recovery of taxes in arrear. The great irregularities and abuses that were found to prevail in this branch of their administration, led to the recent dismissal and prosecution of the town treasurer, and to the suspension of the "town auditor and comptroller."

Such were the duties assigned to the president and members of the burgher senate, who, for the purposes of executing them, held monthly meetings at the town house, and kept journals of their proceedings and resolutions. In tracing the early history of this body, it would appear that their duties were chiefly of a judicial nature, and in this capacity they were considered to be specially charged with the interests of the class named burghers or freemen, as distinguished from persons in the immediate service of the Dutch East India Company. Even after the capture of the colony in the year 1796, they continued to furnish members to the court of justice, upon the selection of the governor. When the constitution of that court was altered by the British and Batavian governments, that part of their functions ceased, and their duties seem to have been strictly limited to those which concerned the administration of Cape Town, and which we have just enumerated. They never participated in the functions of the council, and were never specially invested with any representative rights, but at an early period they were admitted to be the medium of the remonstrances of the inhabitants against the measures of government.

In the year 1793 they addressed the Dutch commissioners, Messrs. Nederburgh and Frykenius, for express permission to make representations through their members who had seats in the court of justice to the government, on matters relating to the interests of the colony, and also to address themselves to the Council of Seventeen in Holland. This permission was granted by the commissioners, and renewed by Sir James Craig, who, by his proclamation of the 31st January 1796, authorized "the president, in cases of necessity, for the prevention of disorders, to make to government, in the name of the burgher senate, the necessary decent representations."

By the instructions transmitted from Holland in the year 1804, the burgher senate was declared incompetent to interfere

in any thing relating to the country districts, but they were enjoined to communicate to the government any information that might contribute to their good order and welfare. Amongst the later records of the colony, there are to be found representations addressed by the burgher senate to the government, both on behalf of individuals and on that of the public ; and upon recent occasions, which were considered to affect the public interests deeply, the burgher senate have been requested by several of the inhabitants to communicate the representations of their grievances to the government. Without attributing to them as a body any representative rights, they have been recognized by the government, and regarded by the inhabitants of Cape Town, as the organs of any general representation of their grievances, and have been allowed on more recent occasions to hold meetings in the hall of the Stad-house for the discussion of them.

Upon a review of the acts of the burgher senate, and more especially of their administration of their funds, collected within the limits of Cape Town, we find that all the evils which we have described as arising from the provincial administrations, have been multiplied. The colonial government has exercised a perpetual interference and direction in the application of their funds, in the purchase and sale of lands and buildings, and in the execution of expensive works ; but we fear that no effectual check over the administration and expenditure has been maintained by any of the departments or officers of the colonial government, or even by the colonial auditor, while we are aware that great abuses and irregularities have prevailed, from which the indigent classes of the inhabitants have suffered considerably.

The annexation of a fixed salary to the person who succeeded by rotation to the president's chair, and the subsequent appointment of a "comptroller and auditor," in the year 1821, were measures which, it was hoped, would ensure attention on the part of the former to the increase of business that was to be transacted, and correctness and perspicuity of statement in the accounts. We regret to say that this expectation has been utterly disappointed ; and although the situations of "comptroller and auditor" as well as "treasurer" are now filled by competent persons, and some obvious defects in the mode of

keeping the accounts have been remedied, yet the proceedings of the burgher senate as at present constituted, hold out no expectation of any permanent improvement in the administration of the large revenue which passes through their hands in the course of the year, or what is of equal importance, in the execution of those municipal duties which bear so directly upon the public convenience. These duties appear to us to require a greater degree of attention to detail, and more constant superintendence than persons engaged in trade can be expected to devote to them, and at the same time, an independence of spirit and action which might be calculated (so far as it is in the nature of such institutions) to resist the effect of those corrupt or servile influences by which the interests of the public committed to their charge have been compromised.

It is possible that if the powers of the burgher senate were confirmed by a charter, and if their mode of election were such as to guarantee their independence, but at the same time to make them responsible for the exercise of their functions, some advantage might be derived from their local knowledge, and their community of interest with the other classes of the people. But from the history of their functions, which the records of the colony furnish, they are nearly limited to municipal administration, which in point of efficiency and uniformity may, we think, be much improved, and placed under the immediate instead of the indirect control of the government, and be executed by persons chosen on account of their probity, competency and independence of all local and peculiar influence.

In recommending the abolition of the burgher senate, we are aware that the inhabitants will be partially deprived of the opportunities to which they have been accustomed to resort for the representation of their grievances to the colonial government. We should regret at a moment like the present, when, in consequence of the introduction of the late legislative regulations for the amelioration of the condition of the slaves and the disappointment occasioned by the reduction of the value of the paper currency, the feelings of the inhabitants have been much excited, that any fresh cause for dissatisfaction should occur, from the denial of what they regard the exercise of a right in the interval which may take place before the more extensive privilege of popular representation be conceded to them. From

the manner in which they have made use of the customary right of representation through the burgher senate upon some late occasions, we certainly should not be disposed to think that the interests of the inhabitants will sustain much injury by the temporary suspension of their functions as organs of the public feeling ; and we have regretted to observe, that the admonitory term which was applied by the Dutch commissioners in 1793, to the representations that the burgher senate were admitted to make to the colonial government in times to come, has not been without occasion. At the same time we think it our duty to state to your Lordship, that there is nothing in the character or in the general conduct of the body of the people of this colony that implies a spirit of disaffection to the government, or that should warrant the adoption of harsh measures towards them. Their acquiescence in the justice or the policy of the system of government is much more likely to be gained by a mild and liberal attention to their representations, than by a cold or repulsive dismissal of them ; and as there exists no political cause for the attachment of the inhabitants of this colony to any other interest than that which has led to its incorporation with the dominions of the British Crown, we think that it will not be a task of much difficulty to give strength and permanence to the connection, and to place it beyond the reach of any future attempts to disturb it. We have &c.

(Signed) JOHN THOMAS BIGGE,  
WILLIAM M. G. COLEBROOKE,  
W. BLAIR.

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[Original.]

*Report of the COMMISSIONERS OF INQUIRY to EARL BATHURST  
upon the Finances.*

CAPE OF GOOD HOPE, 6th September 1826.

MY LORD,—In submitting to your Lordship's consideration the state of the Finances of the Colony, and the arrangements that we have to propose, in order to make effectual provision for the charges to be incurred in the maintenance of its estab-

lishments, we think it necessary to afford your Lordship, in the first instance, a short explanation of the nature of the present system of revenue ; and in the review that we shall proceed to take of the existing establishments, we shall explain the circumstances that have led to their increase, the necessity for their reduction and concentration, and the extent to which such changes will afford the means of remunerating past services, and provision for indispensable and efficient establishments.

In considering the state of the revenue, we shall have occasion to notice the origin of the several imposts that have been levied on the inhabitants, the objections that apply to some of them in practice and principle, and the resources to which we think it will be expedient to have recourse, in order to relieve them from much injurious restriction upon their industry and trade.

In the early periods of the colony, the settlement of the lands of the Cape Peninsula, within the Salt River (a tract of country formed by the isthmus which separates Table Bay from False Bay), appears to have been the limit which the colonists prescribed to themselves, and the settlement was originally formed with the confined object of procuring supplies for the Dutch East India Company's ships. Some portions of the lands which were in the first instance occupied, were cultivated in grain and tobacco, with the assistance of implements of husbandry and of cattle that were furnished by the East India Company. The lands thus cultivated were granted in freehold, and the settlers were exempted from the payment of all taxes for three years, but subsequently made liable to an assessment, which was fixed at one tenth of the produce raised from their lands. They were bound to dispose of their whole produce to the company, who exacted also a tenth of all stock from pasture lands that they were allowed to occupy. They were permitted to catch fish for their consumption, and to dispose of a part that they caught. They were restricted from keeping canteens, from trading in cattle with the natives, and the value of imported goods that they received on credit from the company, was secured by special mortgages upon their estates.

Some partial relaxation of these restrictions was subsequently permitted, and the privileges accorded to the free burghers of Cape Town, who were allowed to trade in certain articles of supply with the Boers, was followed by an extension of these

privileges to the European colonists, and eventually, by the partial liberation of the trade of the country, but without any material reform of the system of revenue.

The tracts of which the natives were progressively dispossessed were permitted to be held on annual leases, with an engagement to pay tithes in cattle to the company. Small portions of land which contained springs were granted in freehold, or in quit rent for a term of years, and various regulations were successively promulgated, with a view to secure the due cultivation of the lands and to protect the revenue.

The tithe on produce that was required to be delivered in kind at the company's stores was to be assessed by the collector, before the crop was reaped ; and to prevent frauds and evasions, no person was allowed to bake bread without a licence, under penalties of fine and imprisonment at hard labour for six months : further penalties were enacted against bakers who purchased grain without licence, or who ground flour except at the company's mills near the Castle.

In 1711 the tithe was extended to wine and cattle, though subsequently restricted to the produce of lands granted, the lands held on loan-leases being already assessed in the tenth of the stock that they were estimated to maintain, or to the value of twenty-four rixdollars \* upon an extent of 3,000 morgen, or 6,000 acres nearly. This tax was called tribute, or " recognitie," and the leases were annually resumable. A further tax on cattle and sheep was levied for " repair of roads," and " destruction of noxious animals." The tithe on the produce of cultivated lands was subsequently farmed, and at a later period it was proposed to raise this tax by a composition with the landowners, on a general estimate of the produce of their lands, or of their capability of producing.

In 1715 a tax of one rixdollar per legger was levied upon every legger of wine produced, and in 1743 a tax of three rixdollars per legger was substituted for a duty upon the export of wine that had previously been levied ; from this tax the sweet wines of Constantia were exempted, in consideration of another burthen to which the growers of the wine were subjected. These taxes were levied on the entry of the produce at the barriers of Cape Town, and in 1789 they were required

\* Equal to £4 16s. sterling.

to be paid, either in ready money or in the notes of wine farmers and wine merchants.

The system of farming the tithes, the severe penalties enacted to prevent evasions, and the general scarcity of money, led, in the year 1792, to remonstrances, which were made through the burgher senate of Cape Town ; and from the report of a committee that was held in the same year it appeared, that from the year 1781 to 1791 the sum of 2,652,898 guilders \* had been levied in direct taxes upon the colonists, and that from the precarious resources of their lands, it was impracticable to increase the amount of taxation. The inhabitants were again permitted to deliver the tithe in produce into the company's magazine, and which was reissued to the licensed bakers for general consumption ; but in the same year a separate granary was established under the management of a board, and a loan of 150,000 guilders was granted, in order to enable it to regulate the corn trade, and to provide for the regular supply of the town. A further advance of 85,000 rixdollars was made to the fund in 1793 ; and as this establishment was allowed to pay the annual tithe, the direct interest that the government had possessed in the corn trade was superseded, although it continued at a later period to impose restrictions, and to enforce by penalties the delivery of produce at an arbitrary rate. As it was impracticable to regulate this rate by the costs of production and of transport from great distances, or by a consideration of the whole supply which the crops throughout the colony might afford, it could not be expected in the absence of internal markets, to hold out due encouragement to the remote and inland farmers to cultivate corn beyond the demands for their immediate consumption.

The Batavian government appears to have resisted all appeals for the diminution of the tithe tax on grain, or of the duty on wine entered for home consumption, which was extended also to brandy, and the licences for retail of wine were annually directed to be farmed to four persons, who were not to be wine-growers. This monopoly under the name of " pagt," was continued in Cape Town in the hands of one person, and is still supported in the country districts.

In 1797 the tithe was levied upon flour, and further to

\* Then equal to £176,889 sterling.

prevent the frauds that continued to be practised, various restrictions were imposed and enforced by severe penalties ; and in the year 1800 the assessment was calculated at the market rate of the day, which had considerably increased the price of

Wheat per load, being	43 rixdollars, and the tithe	3 rixdollars.
Barley per load, ,,	35 ,," and the tithe	1 $\frac{3}{8}$ ,,"
Pease per load, ,,	110 ,," and the tithe	5 ,,"
Beans per load, ,,	90 ,," and the tithe	4 ,,"
Wine per legger, ,,	40 ,," and the tithe	3 ,,"
Brandy per legger, ,,	51 ,," and the tithe	3 ,,"

By a proclamation of General Dundas in the year 1801, a remission of this duty was conceded, and some restrictions repealed. From that period no material alteration has been made in the nominal rate of the tax, which having continued to be levied in currency, subject to the depreciation of the exchange, was finally fixed in its sterling value by the ordinance of 6th June 1825.

The whole amount of the tithes collected during the year 1824, did not exceed 66,061 rixdollars, or £4,954 11s. 6d. sterling, valuing the rixdollar at eighteen pence. These were levied exclusively upon the produce brought to Cape Town by land, the importations by sea from the out-ports of the colony being exempted from this and other charges to which the inland farmer is subject in bringing his produce to market. The tithe being a fixed charge, and the value of the produce being variable, it is impracticable to ascertain the precise rate of it, but in ordinary seasons it may be stated at from three to four per cent on the value.

From the extension of the colony by the occupation of new lands, and the necessity that hence arose of forming district establishments, another class of taxes was imposed on the inhabitants ; and as the regulation of these assessments was left to the district boards, under the general control of the government, and as they were allowed to be disbursed to a certain extent at their discretion, they have varied in amount in the several districts as well as in Cape Town, where they have been levied by the burgher senate. These taxes, under the name of "opgaaf," have been assessed upon the property of the inhabitants. In the districts they have constituted a further tax

upon produce and stock, in addition to the tithe levied at the market of Cape Town, and have included a capitation tax upon all male persons above the age of sixteen, and upon all females above that of twenty.

The assessment upon produce in the districts has been usually calculated upon the crops of each year, but that upon cattle has been annually levied upon the whole stock possessed by the farmer.

In Cape Town, and in some of the districts, the opgaaf taxes have been assessed upon the principle of a property tax, calculated upon a valuation of all stock and property of whatever description. In consequence of the great inequality in the rate of these assessments in the several districts, they were subjected to a general revision by the colonial government in the year 1814, and by a proclamation that was framed with a view to their assimilation, and upon the report of a committee appointed to investigate the subject, it was provided that the assessments which were raised in one district were to be made available to the expenses of the others ; but though the rates of these assessments were fixed, and directed to be adhered to in all the districts, a principle was admitted and sanctioned which led to all the irregularity which it was a primary object of that regulation to correct. The opgaaf taxes having been raised to provide for those expenses of a local nature which were not defrayed from the general revenue, and these charges being often of a contingent nature, the assessments were raised under the head of "ordinary" and "extraordinary taxes ;" the ordinary assessment being a fixed charge upon the persons, produce and stock of the inhabitants, and the extraordinary assessment, a proportionate increase under the ordinary head, regulated by the amount of the contingent charges to be provided for.

As the ordinary taxes have been in few cases sufficient to defray the expenses of the most populous and productive districts, there has rarely been a surplus that would have been applicable to the relief of districts in which the revenue was deficient, and in which the extraordinary assessments have been frequently swelled to meet the expenses incurred under various heads, but in particular that of journeys occasionally made by the governors to the frontier districts, and by other

persons travelling on the public service. Previous to the year 1813 it had been usual to press the waggons and horses of the inhabitants without any remuneration ; but by a proclamation of that year it was directed that payment should be made from the district funds. These burthens have fallen unduly upon the eastern districts, from the road to that frontier having been more frequented, and in particular during the wars and negotiations with the Caffre tribes, when the travelling charges led to a great increase of the extraordinary taxes during those and subsequent years. These taxes, under the name of "transport," were raised as an additional assessment upon produce and stock ; but in the districts to the northward we observe, that travelling charges, when incurred, have been defrayed by a special tax upon waggons, draft oxen, and horses.

A great augmentation of the extraordinary assessments has also been occasioned in all the districts from the loans contracted for the erection of public buildings, and the execution of other works, the interest of which loans they have had to provide for, as well as for the repayment of the principal by instalments, when in circumstances to afford it. A continual source of expenditure has arisen from the privilege conceded to the boards of landdrost and heemraden, of incurring expenses to the amount of 500 rixdollars without any authority from government ; and as various works have been undertaken without contract or estimate, and as the charges for them have often been blended together in the accounts, it has been impracticable in all cases to determine where the expenses incurred may have exceeded the authorized amount.

Since the year 1812 another tax has been assessed, upon the principle of the "opgaaf," denominated the "commando tax." All male inhabitants above the age of sixteen years having at all times been liable to be called upon to render personal service in defence of the frontiers against the independent tribes, the inconvenience sustained by the inhabitants of the western districts, from their occasional removal to great distances, and for indefinite periods from their houses, led to a proposal from them, which was acceded to by the government, for substituting a moderate tax, that was to be applied to the maintenance of a corps for the defence of the frontier. The personal services of the inhabitants of the advanced districts being more fre-

quently required, they were exempted from this tax, which was imposed on the inhabitants of Cape Town, and of the five districts retired from the frontier. The tax was declared to be temporary, and the inhabitants were to be relieved from it in those years in which they might be required to serve on the commandos.

The sum proposed to be raised was 61,000 rixdollars, equivalent at 1s. 6d. per rixdollar, to £4,575;

	Rixdollars.
Cape Town . . . .	15,000
Cape District . . . .	10,000
Stellenbosch District .	12,000
Swellendam do. . .	10,000
George do. . .	4,000
Tu'bagh do. . .	10,000
Rixdollars . . .	<hr/> 61,000

and the quota that each district was required to contribute, was fixed upon a comparative estimate of the number of male inhabitants. This estimate was necessarily of a very general nature, and the assessments upon individuals have accordingly fluctuated with the number of contributors for the year in each district ; and also, from the principle adopted of assessing it as a property tax, the effect of it has been not only to render the burthen extremely unequal, but the assessment of it uncertain and complicated.

We have already explained the origin of the tithes that were levied upon the produce of the arable lands, and upon the stock maintained upon pasture lands, which were generally allowed to be held on annual leases. Although the uncertainty of this tenure may have checked improvement, by preventing the sub-division of the lands, it does not appear to have prevented their frequent transfer by sale ; and although the buildings and improvements were the only property that was ostensibly sold, the value of the land was allowed to be indirectly included in the consideration.

The transfer duty may have favoured these transactions, by connecting them with the interests of the government ; and as the instances were rare in which the government resorted to its privilege of resuming the lands at the expiration of the leases, and of refusing to renew them, the confidence of the public in the possession of these occupancies was not disturbed, and the terms on which they held them were otherwise not unfavourable. As no tithe was assessed on produce raised for consumption on their farms, and as the annual rent for 6,000 acres was fixed uniformly at twenty-four rixdollars, the

applications for the conversion of the tenures, and the acquirement of a more permanent possession, have been influenced or retarded by considerations of the value of the estate, and the facilities that would attend the sub-division of it. In the older districts of the colony, the conversions have been more general, but in the distant districts they have been greatly checked by the scanty supply of water, and the inconsiderable value of the land, the heavy expenses attending the inspection and survey, and the increased rent that would be imposed on them, without any corresponding advantage. The measure of conceding to the occupiers of loan-places a more permanent interest in the lands, was recommended by Governor Sir John Cradock, in the year 1813, with a view to the encouragement of agriculture, and to the improvement of the land revenue. The greater part of the lands of the colony being occupied under loan leases, paying an annual rent of twenty-four rix-dollars, equal in the year 1813 to £3 sterling, for 6,000 acres, or tracts of greater extent, according to their resources of pasturage and water, and considerable tracts being occupied without any rent being paid for them, under the designation of "accroached lands," measures were successively taken to restrict the occupation of the latter, without some acknowledgment to the government, and to promote the conversion of loan-leases into perpetual quit rent, on a scale that was professedly regulated by the value and resources of the land, but in no case exceeding the sum of 250 rixdollars.

In the proclamations that were published, on the approval by your Lordship of the principle of these wise and politic measures, we have only had occasion to notice the practical error that was committed in making the increased rent which it was considered that the lands would bear, dependent on the conversion of the tenures ; that conversion was declared to be "optional" with the holders of loan-leases ; and as they avoided at once the expenses attending the inspection and survey, and the increased rent assessed under the new tenure, the measure has been retarded, and the revenue has suffered by the payment for such lands of the original loan rent only, and by the occupation of considerable tracts without paying any rent whatever. Besides the effect of depreciation in reducing the value of these rents, it has been a practice with the govern-

ment to yield too readily to the representations of the boards of landdrost and heemraden in reducing the quit rents after granting the lands. Another mistake occurred in not regulating the principle upon which these rents were to be calculated ; much uncertainty has accordingly existed, and different principles have been resorted to by the local commissions not less dissimilar to each other than to those which have been adopted by the inspector of lands, whose duty has consisted in revising these calculations in his office at Cape Town, upon the information contained in the reports of the local inspections.

In general it may be stated, that the rates recommended by the landdrosts and heemraden have been much lower than those of the inspector of lands, and that the former, from being founded on local observation and practical experience, have generally been adopted in preference to the latter, as depending more upon theory. Although the estimates of the inspector of lands have certainly been too high, we are at the same time of opinion, that he has shown a commendable desire to improve this branch of the revenue, though mistaken, as we think, in considering that the interests of the public would be consulted by fixing a rate of assessment, which in the actual circumstances of the colony, and during the continuance of a restriction upon the export of wheat after it had attained the price of 130 rixdollars per load, could not be rigorously imposed without impoverishing the landholder.

It was further overlooked, that the landholder was also subject to the payment of a tithe on the produce brought by him to the markets of Cape Town and Simon's Town, and which had been the original rent he was required to pay on cultivated lands. The new deduction therefore of a tenth upon the profits of all lands to be granted to him, and that were fit for cultivation, and a tenth of all stock that could be maintained on the lands fit only for pasturage, was not only an addition to the assessment of the tithe, but a disproportionate charge upon the stock and produce of the farmer, by calculating the increase of these at the utmost extent that the land would bear. This principle was especially inapplicable to the arable lands, which could not be immediately brought into cultivation, or might never be advantageously cultivated on account of their distance from market.

The aggregate amount of the rents upon the lands held under various tenures on the 31st December 1825, was 126,632 rix-dollars, or 9,497*l.* sterling, but the amount actually collected during that year did not exceed 98,228 rixdollars, or 7,367*l.* sterling.

We have thus enumerated the various assessments that have been imposed upon the inhabitants, either in the form of capitation taxes, or taxes upon property, and upon stock or produce, and we proceed to explain the manner of their collection, in which we shall include the various rates or duties that are raised for partial purposes, or those that are strictly local in their application.

The tithes are at present levied by a collector, or rather by his clerk, at the Cape Town market, upon all produce brought in from the country by land, that is subject to this impost.

The mode consists in examining the contents of the waggons and carts, and subjecting the farmer to troublesome delays, very disproportionate to the profit which the public derive from the aggregate collection. The expense of land-carriage to Cape Town being in itself a discouragement to the cultivation of the interior farms, the manner of collecting the tithe under the exclusive assessment of it on such produce has tended to augment that discouragement. Other duties are levied at the market in a similar manner, and by other establishments supported for the purpose.

A fee of one rixdollar is charged for gauging all casks of wine and brandy brought to market, with the object of raising a fund for the support of a public library in Cape Town.

The amount of this collection in the year 1824 was 16,181 rixdollars, or 1,213*l.* 11*s.* 6*d.*, and has been recently made part of the public revenue; the government taking upon itself the payment of the expenses of the library. Market duties are also assessed upon all produce of whatever description brought to market, and by an expensive establishment maintained by the burgher senate.

The object of these duties was to provide for the expense of erecting a new market, but as the collection has considerably exceeded the amount required to provide for this object, this ample revenue has been indirectly appropriated by the burgher senate to the maintenance of other establishments, and in

providing for expenses in no way connected with the market. Your Lordship will observe that this duty has been levied according to a tariff, in a very detailed and complicated manner ; the most minute article of supply brought to the market being liable to the payment of duty, and consequently subject to the search and control of the officers and clerks employed to collect it. The amount collected by the burgher senate on this account in the year 1825, was 45,266 rixdollars, or £3,394 sterling.

Another tax on the produce of the country, and that has tended to check consumption by raising the price of provisions, consists of a duty of two rixdollars levied upon every head of cattle killed or sold alive in Cape Town by the licensed butchers. This duty was imposed to provide for the expense of erecting a range of buildings called the "New Shambles," or rather to redeem the debt contracted on this account, and the collection is made by another establishment, appointed by the burgher senate for that purpose. The amount thus collected during the year 1825, was 33,193 rixdollars, or 2,489*l.* 10*s.* 8*d.*

The establishment of the town granary, which we have already had occasion to notice, has led to an additional tax upon flour, the trade in which is confined by the regulations exclusively to the licensed bakers. These persons are required to pay a duty of one rixdollar per muid, (two bushels,) for all the flour purchased by them and consumed by the inhabitants, and this contribution is applied to the support of the establishment of the granary, and to the reduction of the debt imposed on the inhabitants, by the transfer of a large building formerly occupied as a custom-house. The amount collected on account of the granary in 1825, was 25,554 rixdollars, or £1,916 11*s.* 9*d.*, which has tended to increase the price of bread, as the regulations have given a privilege to the bakers extremely liable to abuse.

The recent abolition of the wine taster's fees has superseded the necessity of any particular remarks from us. The amount collected by this office upon wines exported during the year 1825, was 15,575 rixdollars, or £1,168 2*s.* 6*d.*, and we are not aware of any corresponding advantage that was gained throughout the whole period of its existence. It was an old office that was revived in the year 1812, and some of the worst wine that

has been produced in the colony was suffered to pass the wine taster's office, and to which much of the unfavourable opinion that has been obtained of the wines of the colony may be attributed.

The expenses defrayed out of the surplus of the market dues and other town taxes are those of the Somerset Hospital, the "Stad-house," comprehending the salaries of the president, secretary, clerks and attendants of the burgher senate, together with various charges incurred for repairs of streets, canals and buildings, for which the house tax levied in Cape Town may be deficient.

A further rate is levied on the inhabitants of Cape Town to defray the expenses of iron water-pipes, which were laid down in 1813, and the expenses on this account have lately been increased by laying down leaden pipes to Green Point, a distance of two miles and a half from the town. This rate, and the house tax for repairs of streets and canals, are equitably imposed upon the town, but the regulation of the assessment will need to be revised.

The regulations of the burgher senate for the town market, and for the licensed butchers and bakers, have been imitated by the boards of landdrost and heemraden in the villages throughout the colony, and have tended in the same manner to restrain competition, and by enhancing the price of provisions to check that freedom of internal trade that would have been equally beneficial to the farmer and to the consumer. Notwithstanding the comparative cheapness of provisions in Cape Town, they would be at once cheaper and more abundant if such imposts were removed, with the establishments to which they have given rise, and if the demand and supply were left to regulate themselves. We accordingly recommend to your Lordship, that on the settlement of the land-tax in the manner that we shall hereafter propose, the original tithe shall cease to be levied on the produce of the country brought to Cape Town or Simon's Town by land, and that the establishment of the collector of tithes should be reduced; that the tax levied on the privileged bakers for the support of the town granary should cease, and the trade in bread corn be declared free; and that the establishment of the granary may be reduced, leaving to private capitalists, possessed of ample store-room

throughout the town, to regulate the supply by the probable demand. The importation and export of corn we also recommend to be permanently unfettered and free from duty, by which the inhabitants may be enabled to economize their resources in years of scarcity or scanty supply, by exchanging their grain for rice or other cheap produce that would yield a more abundant subsistence for their numerous families. We recommend also the reduction of the tax levied on sheep and oxen slaughtered at the shambles in Cape Town, and the reduction of the establishment of the "director of shambles." The stalls in these buildings may be let for a moderate rent, with a condition to keep them in repair, and which will progressively liquidate the debt contracted for their erection.

We further recommend an entire reduction of the market duties, and of the establishment maintained for their collection, that all produce may be brought freely to market, and sold without hindrance or interference of any public establishment; and that the expense of a small establishment for the superintendence and regulation of the market may be defrayed by a moderate fee, payable for the use of the market weights and scales. We recommend also that the gauging fund, raised by a tax upon wine, for the support of the library, may be repealed; that the gauger's establishment may be discontinued, and that the expenses of the public library may be defrayed from other and more appropriate sources of revenue than the produce of the wine farms, the proprietors of which derive no greater benefit from the establishment than other inhabitants of the colony.

In proposing these reductions to your Lordship, we cannot place the effect of them in a more striking point of view than by observing, that an abatement in the price of provisions of one halfpenny per day on the cost of subsistence for each individual, will effect a greater saving to the inhabitants in the maintenance of their families and slaves, than will meet the personal assessments which it is our intention to propose, in order to provide for the establishments of the colony, and to make up the deficiency of the revenue occasioned by the intended reductions; but we confidently hope that a removal of the restrictions, and in particular those that favour the licensed bakers and butchers, will effect a further saving to

the inhabitants in the price of articles of the first necessity, that consumption will thus be increased, and a trade encouraged the most beneficial to the colony in the supply of shipping that may be attracted to its ports by the cheapness and abundance of the supplies they can procure in exchange for the commodities they may import.

In these measures we would also recommend the abolition of the privileges of the licensed butchers, who conduct by their agents the trade in cattle from the country. The establishment of fairs in the interior will give encouragement to this trade, and to the breeding of superior stock, and will gradually supersede a system which has never held out that encouragement to the farmer.

We recommend that the same freedom of internal trade may be extended to the villages in the interior of the colony, where the restrictive system has been adopted, and without any apparent reason or benefit.

The assessment of the taxes under the name of "opgaaf" we have already described. The collection of them is effected in Cape Town by the burgher senate, and in each of the districts of the colony by the board of landdrost and heemraden. In the month of March and April, after the harvest in the country, the inhabitants are called upon to make returns of their families, including slaves and free servants ; their stock, and the produce of their farms either in grain or wine, specifying in detail the description of their stock and produce, and distinguishing persons above or under sixteen years of age.

In Cape Town, where other descriptions of property exist, a classified return of the income derived from it is required, and a tax is proportionably assessed.

The assessment in the country is imposed upon all descriptions of stock, and upon all produce, even if the returns should be insufficient to defray the expenses of cultivation. The defective principle of these assessments is not counterbalanced either by the amount collected, or by any facilities attending the collection of them. The inhabitant (as we have stated) is required to attend on certain days, and thus to travel from a great distance to the drostdy or district town, and there to make his return of property, &c. ; the calculation of his quota of the taxes is then made by the secretary of the district, and sometimes

checked by one of the heemraden. An allowance called "vacatie," is paid to the landdrost, heemraden, secretary and messenger, for the time they are engaged in this complicated process, and the inhabitant being informed of the amount of taxes due by him, discharges it, and receives an acquittance. Those who are in arrear, or who fail to attend, are sued by the secretary of the district, and the amount is received with costs, but in many cases the indigence of the people, or the remissness of the functionaries, has occasioned loss to the revenue.

In Cape Town, where no "vacatie" is allowed to the members of the burgher senate, the taxes are in the greatest arrear ; the arrears of taxes due on the 1st April 1824 and 1st April 1825 being still uncollected, and those due on the 1st April 1826 not yet assessed. The personal taxes being also imposed upon the poorest classes of the inhabitants, the expenses of recovery accumulated on them are in many cases ruinous to the individuals, and equally hurtful to that part of the revenue which arises from consumption of imported goods, or of colonial productions.

The allowance called "vacatie," enjoyed by the district boards for the collection of taxes may be stated to amount generally to  $3\frac{1}{2}$  per cent on the gross collections, but it is very irregular, and has in some instances far exceeded that proportion. In the residency of Simon's Town, it amounted in the year 1822 to 17 per cent, and in 1823 to 10 per cent.

The preamble to the proclamation of the 1st April 1814 having clearly declared the object of that act to have been the relief of the districts from the unequal taxes with which they were burthened to provide for the control of government, and to afford the inhabitants throughout the colony an opportunity of ascertaining the amount they were called on to contribute, and the principle upon which the assessments were in future to be regulated, we have only to regret that these important objects have in no degree been attained, and the complaints we have received from the inhabitants in various parts of the colony support this conclusion. As the nature of the taxes themselves has been a principal cause of the entire failure of the relief that was undoubtedly intended to be afforded by these measures, we are convinced, after the maturest deliberation, that an entire change of the system will be necessary to

remedy its inherent defects, and at once to support the revenue, and to protect the interests and convenience of the people.

We think that the whole of the opgaaf taxes would be advantageously commuted for assessments more just in their principle, and more simple in their operation.

1st. We recommend that the land-rents should be more strictly and uniformly assessed upon all the lands that are possessed or occupied throughout the colony, and upon a principle that will tend greatly to augment this branch of the revenue.

2ndly. That such part of the opgaaf taxes as constitute an assessment on the stock and produce of the land, should be comprehended in the revised assessment of the land-rents, and that the personal assessments should be more equitably imposed, and collected for the general treasury.

3rdly. That a more prompt and efficacious mode should be adopted of collecting the assessed taxes, by entrusting this duty in the country to the "civil commissioners of districts," whose functions we have had the honour to describe in our Report upon the administration of the government, and in Cape Town, to a collector specially appointed for that purpose. In our Report upon the land tenures, we intend to bring under your Lordship's consideration the measures that are indispensably called for, with a view to the acquirement of a correct knowledge of the resources of the country, the nature and extent of the lands still ungranted, and the boundaries which it will be just and politic to fix, in order to check the disposition of the colonists to encroach on the possessions of the native tribes, and to spread themselves over tracts of waste land of little value, and which scarcely admit of being permanently settled. For the present, we confine ourselves to that branch of the subject which relates to the land revenue.

We have already stated that the aggregate amount of the land-rents for 1825 was 126,632 rixdollars, or £9,497 sterling ; and from the returns in our possession, it appears that 41,887 rixdollars (or £3,141 10s. 6d.) are collected upon loan-places unconverted ; 63,967 rixdollars (or £4,797 10s. 6d.) upon old and new quit rent lands ; 9,829 rixdollars (or £737 3s. 6d.) upon government farms ; and 10,949 rixdollars (or £821 3s. 6d.) upon waste lands or common pastures. From a late return of the

inspector of government lands and woods, it appears that scarcely one fourth of the loan places have yet been converted, and that many of the quit rents are paid upon new lands that have been granted subsequently to 1813.

The occupiers of the remaining loan-places have consequently retained them upon the original low rent of twenty-four rix-dollars per annum for 6,000 acres, which has been reduced in value by the depreciation of the currency, to one pound sixteen shillings sterling. In fact, from the same cause, the average rate of the quit rents assessed does not now exceed the rent formerly paid upon the annual and resumable lease of unimproved pasture land. We do not contend for the advantage of imposing high rents upon the lands, as we are aware that they tend to check the improvement of the country by impoverishing the farmers, and to diminish that consumption upon which other branches of the revenue depend. The high rents reserved on the leases of the government farms at Groenekloof have in this manner been ruinous to the tenants, as they were raised by competition, in the year 1816, to seven pence and eight pence per acre upon the pasture as well as upon the arable land. We are of opinion, however, that a moderate assessment upon all the lands that are occupied, as well as on those granted, would materially benefit the revenue, whilst it would place the farmers throughout the colony upon a more equal footing, and would check those evasions which have been so extensively practised by the continued occupation of lands in loan, without a renewal of the leases, and in many cases without any title or permission whatever.

As no established principle has been laid down for the calculation of the quit rents, and as much uncertainty and delay have been the consequence of the various modes adopted by the landdrosts, whose calculations have often been as much too low as those of the inspector have been too high, we recommend to your Lordship that a simple and comprehensive rule be forthwith adopted for the calculation of rents upon all lands throughout the colony, and that the civil commissioner in each district, assisted by the government surveyor to be appointed, (neither of whom should have any interest as proprietors or farmers of land in their districts,) should determine the average rate per acre, or per 100 acres, at which certain tracts of land

may be generally assessed, with reference alone to their resources for the pasturage of cattle or sheep, either throughout the year or for certain seasons, and without reference to the applications for particular allotments, by which another source of the undue influence to which we have alluded will be excluded. This rate will be found to vary in different parts of the country, and will have to be determined by the local information that the civil commissioners already possess, or would be competent to take, as to the nature of the soil, climate, supplies of water and herbage in particular tracts. Upon this principle of assessment, the distance from a market would not necessarily be considered, as the removal of stock is not attended with any material expense ; and as the stock maintained on unimproved land increases with but little expense or trouble to the owner, who in the grazing districts pays scarcely any attention to his herds and flocks, committing them to the care of Hottentots and Bosjesmen, who take them in search of pasturage, we conceive that two per cent on the value of the stock that can be grazed throughout the year, and proportionably reduced, if maintainable only for a part of the year, may be equitably assessed as a land-rent, comprehending the present various assessments of rent, opgaaf, and tithe.

As soon as the rate can be determined, we think that it should be forthwith permanently assessed upon all the lands comprehended within the tract to which it applies, and which are occupied either under annual loan-leases that have ceased to be renewed since 1813, or by permission of the landdrosts, under the name of "request places," or as in some cases without any permission at all ; the extent of the occupancy being computed in a general way by the sworn surveyor, and delineated on the chart to be executed by him, of the tract of country, parish or field cornetcy.

It should be understood that while the government limits itself to the assessment of this rent upon the lands that may be granted in perpetuity, the payment of the same annual rent for permissive occupation does not constitute in itself any positive right to the possession of the land on a more permanent tenure, although the occupation for a term of years may be allowed to constitute an equitable claim, if the land has been stocked, and the rent regularly paid, and still more, if it should

have been improved by cultivation. In order to give confidence to such occupiers, we recommend that leases for seven or ten years should be granted to them on application, and on their engaging to pay the stipulated rent. These leases should not subject them to the expenses of inspection and survey, usually incurred in the acquirement of grants; nor should we be disposed to limit the extent of land applied for to be held on lease, by any individual who should be willing to hold it upon the terms proposed, as the collection of the land revenue would be much facilitated by diminishing the number, and as large pasture farms might tend to the improvement of stock, and the augmentation of capital.

Upon the principle adopted in 1813, of adding to the perpetual quit rents any rent that might formerly have been paid upon lands granted in freehold within the occupancy, we conceive that where proprietors of quit-rent estates may be applicants for the possession of lands bordering on their estates, denominated "accroached lands," they must submit to an estimate being made according to the average rate per acre determined upon for all the land so possessed or occupied by them in that situation, and to a proportional assessment upon the old as well as on the new grants, that would render the whole rent to be paid in accordance with that rate.

By this measure the land-rents would be gradually and equitably assimilated, while many impediments and restrictions of which the farmer now complains, would admit of being removed.

In cases where, from the local influence of the magistrates, the rents have been fixed at too low a rate, the aggregate assessment would be raised, and where the higher calculations of the inspector have been adopted, and may exceed the proposed rate, they would be proportionally reduced. The "accroached lands," being generally occupied by the proprietors of contiguous estates, an increased rent would be willingly paid upon these lands to acquire the possession ; and we believe it was partly attributable to this cause, partly to the market for produce which St. Helena then afforded, that the Groenekloof farms were let at such exorbitant rents.

As the incorporation of the various assessments on the lands, and stock produce is very desirable, and the adoption of an

equitable rate of assessment in the simple form of a land-rent, we recommend that that rate be applied, whenever it may be found practicable, in the manner that we have just described.

The assessments on all lands under cultivation, whether in corn or vineyard, we would propose to regulate on the assumption that five acres would maintain in pasturage throughout the year one ox or cow. The average resources of the unimproved pasture lands of the whole colony would not admit of a higher computation than ten or twelve acres for one ox, or for six sheep throughout the year. In the southern and eastern districts, bordering on the sea, the proportion would be the highest, and in the interior of the colony the lowest. On the lands denominated "Karoo," it would be needless to compute it with much precision. In the mode we have proposed, the assessment upon cultivated lands may be estimated at twopence sterling per acre per annum; that upon the ordinary pasture lands would be one penny per acre, and upon the inferior pastures it would not exceed one farthing per acre. The original loan-rent (exclusive of the tithe and opgaaf) was a tax on stock, averaging about one-fifth of a penny per acre throughout the colony. The maximum of the quit rent to be assessed under the proclamation of 6th August 1813, was higher than it is at present, having been fixed at 250 rixdollars for 6,000 acres, or five farthings sterling per acre, the value of the rixdollar in exchange upon England having been at that period 2s. 6d.

The current assessments, however, have been far below this maximum, notwithstanding the depreciation, and do not now average throughout the colony more than 1½ stiver per morgen, or about one-fifth of a penny sterling per acre.

The rule proposed by the inspector, but not adopted by government, has been to assess one-tenth of the nett profits of arable lands, and one-tenth of the profits of grazing stock upon the pasture lands, a calculation higher than that we have proposed on a moderate valuation of the stock, and which did not take into account the tithe on produce, or the opgaaf assessments on produce and stock.

In order to facilitate the measure of consolidating the various assessments, and realizing the revenues from the country, we

beg to observe that until the establishments can be reformed, and the surveys executed upon which the settlement may be permanently made, the detailed opgaaf returns of produce and stock, and the reports of the local commissions of inspection, collected in the public offices, and which have been usually referred to the inspector of lands, to enable him to report on the proposed assessments, would of themselves enable the officers who might be charged with this duty, under due check, to regulate the average rates of assessment in the several divisions or parishes, and to calculate the quota that each individual occupier should be called upon to pay.

The extent of arable land is universally estimated by the quantity of seed returned as sown, viz. one muid, or two bushels to an acre, and the grazing land is estimated to afford pasturage, according to its extent, for a specified quantity of stock, during a certain number of months in the year. For tracts of land that have not been measured, nor their resources ascertained, the assessment upon the opgaaf returns of stock might in the first instance be adopted. These returns are made by every individual in the colony, whether a proprietor of stock or an occupier of land ; and it would only be necessary that the former should state in his return whether he grazes his stock upon the lands of government or of individuals, and that the occupiers should be made responsible under penalties, if they fail to return all the stock that they hold on their land, either of their own or of others, from which they might derive a rent. If on inspection the land should be found capable of bearing a larger stock, the rent might be permanently assessed at a proportionally higher rate, and a lease granted.

From the calculations we have made upon the latest returns of stock throughout the colony, it may be moderately valued at £1,323,196 sterling, and the assessment of a land-rent of two per cent on this value would amount to £26,463 ; estimating the extent of land now cultivated throughout the colony at 99,858 acres, the amount of assessment at 2d. per acre would be £832, and the land revenue would thus amount to £27,295, without reference to increase from the accumulation of stock to the extent of the resources of the lands.

The practice of deriving a rent from grazing stock has not generally obtained throughout the colony, but it will probably

be accelerated by assessing a rate upon the land proportioned to the value of the stock that it will bear, leaving to the occupier the full benefit of any improvement of its resources resulting from the application of his capital or industry.

The encouragement that will thus be given to agriculture is much required both by the corn farmers on account of the frequent failure of the crops in late years, and by the wine farmers on account of the present stagnation of the wine trade, and the expenses that have been incurred in the increased cultivation of the vine.

In order to counteract the habit that has been induced partly by the operation of the testamentary laws, and to prevent the indefinite subdivision of estates, it may be expedient to declare that the land-tax on the larger grants should not be paid in separate portions for smaller allotments than 500 acres, except in situations adapted for the settlement of towns or villages.

Opgaaf Assessments on Stock, &c. . . . .	£9,391
Market Duties . . . . .	3,395
Shambles . . . . .	2,489
Granary . . . . .	1,916
Gauger's Fund . . . . .	1,079
Wine Taster's Fund . . . . .	1,283
	—
	£19,553

According to the rate of assessment proposed by the inspector, a land-tax of £44,597 would have been imposed on the country, exclusive of the opgaaf and tithe, which, with other charges upon the produce of the land, may be generally estimated at £20,000.

According to the rate we propose, a land revenue will be raised of £27,295, a considerable part of which will be borne, not by the present proprietors who have paid rent for their lands, but by the occupiers of land who have hitherto been made liable only to the district assessments.

From the observations we have made, your Lordship will perceive that two material branches of the district taxes (those on produce and stock) will be comprehended in the proposed settlement of the land tax, and it remains for us only to explain in what manner it may be expedient to assess the personal taxes that have been hitherto imposed upon the inhabitants of all classes in the opgaaf.

We have already explained to your Lordship the nature of these taxes, and the principles upon which they have been assessed ; and the chief alteration that we would now propose is, to make the charge on each individual a fixed and uniform

instead of a variable one, and to impose it more equitably with reference to classes, as well as to individuals, than is effected under the operation of the present assessments.

The commando tax being assessed as a property tax, and imposed on certain districts only, which are the least exposed to the depredations of the frontier tribes, we have considered that it will be expedient to repeal it on the present footing ; and although the establishment of a government upon the frontier of the colony may be expected to lead to permanent tranquillity, and to the eventual reduction of the colonial force, for the maintenance of which that tax was imposed, the necessity of continuing that force on a diminished scale will still require the imposition of a tax upon those classes of the inhabitants who have been liable to serve on commandos, and for which service it has been considered as a commutation.

We propose that the tax should be still regarded as a temporary one, that it should be assessed on all the districts, and that it should not exceed the sum of 10s. sterling per annum on each person liable to serve. We further propose, that the contributors to this tax should be relieved from the capitation tax now levied in the country districts, and from the income tax in Cape Town ; and as the principal relief from fixing the charge will be extended to persons possessing property, who have in some instances been required to pay from £4 to £5 per annum on their returns, an immediate abatement will be afforded to those who are the employers of the other classes, upon whom we propose that a permanent tax should be levied.

Upon the same principle we recommend that these classes should be entirely exempt from the commando tax, as it would constitute an additional assessment upon their employers. The number of persons throughout the colony who are liable to serve in commandos are estimated at more than twelve thousand, exclusive of slaves and servants, and the amount that would be annually raised at 10s. would be £6,000 or about one half of the expense to be incurred in supporting the Cape Corps, upon the reduced scale which we are prepared to recommend. We propose that the commando tax should only be remitted in case of the individual having been actually required to serve in a general commando, at a distance from home, for more than two months in the year, and upon a certificate from the magistrate being

produced, as well as the order or authority in writing, for his proceeding on such service.

The Hottentots at the missionary institutions, from their general state of indigence, may, we conceive, be allowed to exempt themselves from the payment of commando tax, by being considered at all times liable to serve in defence of the frontier when required, either in the regular colonial corps, or in commandos. Those who should be in circumstances to pay the tax, and who should wish to commute this claim upon their personal services, might be permitted to do so.

They should, however, be assessed in a land-tax proportioned to the stock maintained on the lands of the institutions, until a division of those lands should be made in allotments either of arable or pasture ground, or till a permanent rate may be assessed on them collectively, proportioned to their extent and resources.

The other classes of free coloured inhabitants in the colony, with exception of fishermen, may, we think, be called upon to contribute to the commando tax, excepting when in employment as servants.

The permanent taxes that we recommend to be imposed, consist of a tax upon all slaves above the age of ten and under sixty years, and on all male servants between the ages of sixteen and sixty, whether employed in domestic or in farm service.

Having, in a former Report, brought under the consideration of your Lordship the profits derived from the labour of slaves in this colony, and the consequent enhancements of their value to the proprietors, we will not repeat our observations upon the justice of imposing a slave-tax, both as it is borne in other colonial possessions of the Crown, and as in the present circumstances of the colony, it will fall on a description of property the most productive to the colonists, or that can at all times be made so by recourse to the very general practice of allowing them to hire out their labour at high rates of wages.

Adverting to the high price of labour in the colony, and the extent of these returns to the proprietors of slaves, we considered at one time that it would have been just to levy at once a tax of £1 sterling per annum upon each slave, but the distresses of the colonists at the present period, arising out of circumstances to which we have already partly adverted, have

induced us to consider that an immediate assessment of 10s. per annum upon all slaves of either sex within the ages we have mentioned, and a tax upon all free maleservants and apprentices, equivalent to the commando tax from which it is proposed to exempt them, would more equitably distribute the burthens which it is necessary to impose. We are of opinion, however, that when the circumstances of the colony improve, a further tax of 10s. on slaves of both sexes between the ages of ten and sixty, will admit of being imposed, to enable the government to carry into full effect the measures that are desirable for providing for the instruction and improving the condition of the slave population.

The only exemption that we should now propose to admit from the operation of this tax, would be in cases where a certificate on oath of a physician or surgeon can be produced that the slave is in bad health, and incapable of rendering service, or of earning wages for the owner. The confinement of slave women in child-birth, except where the offspring should be declared free, would not constitute a ground of exemption, as, independently of the value of the child when reared, such women are frequently hired out as nurses at considerable wages.

As it is very desirable to discourage the removal of slaves to distant parts of the colony, which often occasions a very unfortunate change in their condition of life, by removing them further from the protection of the magistrate, and subjecting them to many hardships in the families of the most ignorant and indigent of the Boers, we are disposed to recommend that the tax should be levied in the same proportion upon slaves in the country and upon those in towns. The number of registered slaves between the ages of ten and sixty may be estimated at 24,482, and a tax of 10s. would consequently amount to £12,241, of which £12,000 may be taken as the effective result.

As this tax will chiefly fall on the inhabitants of the western province, who are the chief proprietors of slaves, we think it necessary to repeat, that the amount which they will thus be called upon to defray will bear no proportion to the advantage that they will derive from the measures we have proposed for reducing the price of provisions, and by which the expenses of large families may be expected to be considerably diminished.

We would further remark to your Lordship that a slave-tax

has occasionally and very recently been resorted to in the districts, in aid of local revenues, and for expenses of inferior moment compared with those for which the general impost will be raised.

It made a part of the opgaaf assessment throughout the colony previous to 1813, but was judiciously repealed on the recommendation of the committee, although slave proprietors have been subject to a partial assessment in the general tax upon property.

The tax of ten shillings that we have proposed to be levied on free servants, will be equally politic and just in the peculiar circumstances of this colony. The high wages enjoyed by European servants will admit of a moderate deduction in consideration of the payment of this tax, which the employer will at all times have the privilege of making, as the wages of the servant, if independently employed, would be liable to a similar deduction for the commando tax.

In the case of the coloured classes, whether Hottentots or Negroes, we regret to observe, that the rate of their remuneration has been generally very inadequate throughout the colony.

The prize negroes indentured for fourteen years, may in general be considered to have been as great a source of profit to their masters as slaves, and the undue advantage that has been confirmed to the masters by law, of claiming the gratuitous services of the children of prize negresses, from the age of five to eighteen years, has tended in many instances to perpetuate the advantages that have been derived from the servitude of this class. It has been customary with many persons holding indentures, to hire out the labour of prize negroes in the same manner as that of slaves.

The Hottentots contracted in the service of the Boers are chiefly resident in the eastern province. They are usually engaged upon very low wages, and retained in a condition very unfavourable to their improvement. From weakness of constitution they are rarely fit for the labours of agriculture, but their knowledge of the country and their pastoral habits render them extremely useful to the Boers in the capacity of herdsmen, and the same observation is applicable to Bosjesmen, who are in the service of the Boers in the frontier districts.

The mixed race, who are the offspring of the colonists by

Hottentot mothers, labour under the same disadvantages, which have led to settlements being formed by them beyond the confines of the colony and the influence of the Boers.

In considering the advantages derived from the gratuitous services of prize negroes, and those that equally result to the grazier from the employment of Hottentots and of other native classes, without trouble to themselves or adequate remuneration to their servants, we think that in both cases the servant-tax of ten shillings may be equitably imposed, and if a greater degree of protection should be given to the interests of those classes, and should lead to their acquirement of a higher reward for their services, until enabled to form establishments for themselves, the tax, as in the case of European servants, would naturally constitute a deduction from the higher rate of wages which are readily to be obtained where a free competition is encouraged. The indolence of the Dutch farmers, induced by the employment of slaves in the more cultivated portions of the colony, and the facility with which they obtain the services of Hottentots in the grazing districts, have proved a great obstacle to the improvement of the colony ; and as the influx of European settlers has of late years afforded some examples to the colonists of more industrious habits, it may tend further to call forth the industry of the Boers, to impose a tax upon hired servants. The ordinary labours of agriculture may thus in time be performed by their own families, which are often numerous, and a valuable accession would thus be gained to the productive classes throughout the colony, while the farmer would relieve himself from the operation of a tax on a class of servants who would still be available to him on extraordinary occasions.

The law which has compelled the Hottentot to enter into service, and has bestowed to the employer a right to the services of their children from eight to eighteen years of age, if born on their estates, has tended to retard the improvement of the Hottentots, and the benefits to be derived to the colony at large, and to those districts in particular in which they are settled in communities. Their services in harvest time have thus been found more valuable to the neighbouring farmers, than where whole families subsist throughout the year as indigent retainers.

As we propose to limit this tax to those servants who are engaged for a year, the labourers hired in the harvest season would thus be exempted from its operation ; and also the females who are now retained on the farms, and on whom a capitation tax has been hitherto paid.

We estimate the number of male apprentices and servants hired or contracted by the year at 10,000 throughout the colony, and a tax of 10*s.* would consequently amount to £5,000.

From the operation of these personal taxes, your Lordship will perceive that an assessment of 10*s.* will be imposed upon all free male persons throughout the colony between the ages of sixteen and sixty years, and upon all slaves male and female from ten to sixty years ; a distinction that we conceive to be just ; as by the laws of the colony, a slave child may be separated from its mother and sold at the age of ten years, and as female slaves are not only a source of profit to their owners, but exclusively the means of perpetuating a species of property, the evil effects of which are apparent to the colonists themselves, and engaged the serious attention of the Batavian government with a view to its progressive extinction.

With the same view we conceive that it would be politic and just to exempt from taxation all female slaves whose offspring born after the promulgation of the tax may be declared free ; and it should be competent for the slave-owner to record such a declaration in the registry, opposite the name of any female slave of whatever age, and that such entry by the owner should be effectual in law, and that he should from that date be exempt from the operation of all taxes for such female slave now or hereafter to be imposed.

In proposing the assessment of these taxes we have only to add our recommendation for the simultaneous repeal of all personal taxes now borne by the inhabitants, and in general, of all assessments upon property, with exception of an inconsiderable church-rate which we propose to be assessed in all the counties, a tax on carriages and horses kept for luxury, and a small rate on waggons throughout the colony, for the ordinary repairs of roads, and to relieve the districts from the " transport " or travelling charges now irregularly borne by them.

For local purposes we propose to retain the house or hearth tax, for the repairs of streets, bridges and canals in Cape T

and the several tolls that have been sanctioned, or that may be found necessary for the improvement of roads and passes, and the establishment of ferries.

The church-rate is a small assessment that has been imposed in certain districts to aid the erection of churches, and consists of two stivers per week, or 3s. 3d. per annum upon each "erf" or building allotment in villages, and four stivers per week, or 6s. 6d. per annum on farms or "places" in the district. The amount of this rate, if imposed throughout the colony, would not at present exceed £626 per annum, although the more general occupation of the lands, and the subdivision of allotments would increase it. On the revised settlement of the land-tax, we think it may be estimated to amount to £900 per annum, and in order to regulate the assessment on a stricter principle, we propose that the "erven" or building allotments in towns and villages should be classed, and that 2s. be assessed on the larger, and 1s. on the smaller allotments. In the same manner, we recommend that all farms above two thousand acres in extent should contribute 4s.; and all farms of smaller extent 2s. per annum. We recommend that the "house or hearth tax," which is imposed in Cape Town for the expenses of the night-watch, should be continued for the repairs of streets, canals and bridges, but that it should be assessed on the same principle, according to the classes of the houses, instead of being equally assessed as it now is upon houses and stores of every class.

The separate assessment that has hitherto been imposed to provide for the expenses of laying down water-pipes in the town, may be made a part of the same general rate upon the houses, and the streets, canals, and water-pipes be placed under one superintendence. We recommend that this rate should be annually regulated by the amount of expenses actually incurred, although it will not admit of material reduction until the debt contracted for laying down the pipes has been liquidated.

The same principle should be adopted in the assessment of a rate in other towns and villages for the repair of streets, and improvement of watercourses; and the inhabitants of the country should not in future be subject to any tax for these purposes, unless for the houses they possess within the respective towns and villages.

The tax at present imposed in some of the districts on waggons, draft horses and oxen, to provide for the charges of travelling on the public service, and for repairing roads, we propose to assess in a manner that will tend to relieve the inhabitants of the country from the very irregular burthens to which they have been subject on this account.

In this view, we recommend a graduated tax according to the following schedule, to be imposed upon carriages, waggons and carts of all descriptions, and upon saddle and draft horses that are not used for agricultural purposes ; viz.

	£	s.	d.
On each four-wheeled waggon used in agriculture .	0	5	0
On each two-wheeled cart so used . . . . .	0	2	6
On each four-wheeled carriage or waggon not so used .	2	0	0
On each two-wheeled carriage or cart not so used .	1	0	0
On each saddle or draft horse not used in agriculture .	0	10	0

The returns do not enable us to estimate precisely the produce of this tax, but we can state it generally at £5,000. The division of the colony will diminish the expenses attendant on the journeys of the public functionaries, and also of the judicial circuits ; and as from the nature of the country the ordinary repairs of roads are limited to the removal of occasional obstructions in the tracks over the plains, we recommend that all expensive undertakings for improving the means of communication, by opening passes in the mountains, for constructing roads, and for establishing ferries, should be provided for by the establishment of tolls, and that no assessment should in future be imposed on the inhabitants of the districts in aid of these objects. Upon this principle we recommend that tolls should be established at the Fransche Hoek and Du Toits Kloof in the Stellenbosch district, and at Cradock's Kloof in the George district, and that the duty hitherto levied for this object of one rixdollar, or eighteen pence per load, on all timber cut in the forests of George, should be received in future as an assessment on those lands in aid of the church fund, as we intend to recommend to your Lordship that a provision for the church should be made from the settlement of a tract of country which comprehends these forests. Until such settlement may be effected upon the plan we have to propose, the duty in question may be generally levied upon all timber cut in the

forests of George and of Uitenhage, which are contiguous, and on the "Cedar" mountains, in the district of Clanwilliam. We shall hereafter have occasion to renew the consideration of the church fund.

It only remains for us in this place to explain to your Lordship the mode which we recommend to be adopted for collecting and accounting for the assessed taxes, together with other branches of internal revenue, and by which the inconveniences attending the present system may be obviated.

In our Report upon the administration of the government, we have already explained some of the prominent inconveniences that have been attendant on that system, and in a preceding part of this Report we have explained the mode in which the district taxes have been raised and applied.

In the administration of these revenues the accounts have usually been kept by the district secretary, subject to revision by the board of landdrost and heemraden, at their ordinary meetings. They compare the vouchers with the several charges, and sanction those expenses which they are allowed to incur without reference to government, and recommend those which are estimated to exceed the sum they are authorised to disburse. The accounts are signed by the landdrost and heemraden quarterly, and transmitted annually to government, where they have undergone an inspection by the auditor-general, but without any comparison with the vouchers, which until very recently were not forwarded with the accounts.

The auditor certified the accounts, but without any means of judging of the correctness of the charges.

All applications for remission of taxes are made to the landdrost and heemraden of the district, who regulate the amount of the extraordinary assessment, of which no previous estimate is framed or transmitted for the sanction of government; although by a regulation that is contemplated, the principle of that of 1813 will be revived, by making the balance in one district available for the expenses of another.

The accounts which are kept in the districts, and the records and correspondence, are very voluminous, and give employment to many clerks.

Loans are contracted, and money lent at interest on account of the districts, either with the government, the public establish-

ments, or individuals. This has given rise to numerous accounts and transactions which still remain unadjusted.

The duty of collecting taxes in the country, we think, should in future be entrusted to the civil commissioners, and those in Cape Town to a collector to be appointed for that purpose ; and as the provincial division of the colony will render it expedient to appoint a general treasurer for each province, we are of opinion that much facility will attend the collection of these and other branches of revenue, by making the civil commissioners directly responsible to the treasurer in their respective provinces, for the recovery of every species of revenue.

The appointment of seven of these functionaries will provide for the execution of these duties in both provinces, on the plan we have recommended ; and as we have estimated the allowances now granted to the district boards for receiving the taxes at three and one-third per cent upon their amount, they may in future be appropriated to the payment of part of the salaries of the civil commissioners, which we propose to fix at £400 per annum, with the present allowance of 12*s.* per day when employed in the inspection of lands, to be made up by the treasury to £100 per annum, in the event of the fees not amounting to that sum. We propose that the salary of the collector of taxes in Cape Town should be fixed at £300 per annum, with an addition of one per cent upon the amount of his collections.

We recommend that previous to the first of January in each year, printed forms of returns should be circulated from the treasurers to the several commissioners, and by them to all the inhabitants of their respective counties, and which in the simple form that may hereafter be found sufficient, will be more readily filled up than at present, by the inhabitants themselves. This practice has been already introduced in the residency of Simon's Town, and has been attended with much advantage. These returns should comprehend the number of persons in the family, the number of slaves and free servants, the description of stock, and the extent of the land under cultivation.

In the case of Hottentots residing at the missionary establishment or kraals, it should be the duty of the missionary, if a government agent, or of the nearest justice of the peace or other magistrate, to make the return upon the declaration of

each Hottentot, who should be responsible in the same manner with any other inhabitant for the correctness of his return, on explanation being made to him of the nature of the penalties.

These returns should be made up on the 1st of January, and transmitted to the commissioners by the 1st of February, and the collections made in the months of April and May.

Monthly reports should be made by the commissioners to the respective treasurers, of the sums that have been collected by them; and on the 30th of June a return of all taxes in arrear should be transmitted, and recoveries made by prosecution of the parties in the county courts. In order to obviate the inconvenience now experienced by the inhabitants in being required to attend at the seat of magistracy for the payment of their taxes, we think that the civil commissioner should give notice through the field cornets or constables, of the periods at which he intends to repair to the several places or stations most convenient for the collection of taxes, and that the inhabitants should be required to attend on certain days to make their payments there. All petitions for remission of taxes should be addressed by the inhabitants of the western province to the governor, and by those of the eastern province to the lieutenant governor.

We should also recommend that no exemption from the operation of any of the taxes should be allowed to any of the servants of the Crown, either in the judicial or civil department.

In cases where the inhabitants, from indigence, may plead their inability to pay the tax on their slaves or servants, facilities may be given by the local authorities obtaining employment for them on any public works in the county, and of appropriating the wages of their labour in the discharge of the arrears that may be due for taxes, after providing for the just demands of the servant or slave on his master. It should be at the discretion of the civil commissioner to resort to this mode of recovery in cases of actual distress; but in general it may be observed, that as the wages afforded by the Boers to their servants are very low, and the cost of subsistence inconsiderable, and as the returns upon labour may so readily be made a source of profit, we are not of opinion that any indulgence need be shown beyond the convenience of the public that might attend such an arrangement.

We now proceed to bring under your Lordship's consideration the nature of the revenue derived from other sources. We have already stated that a duty on the transfer of all fixed property was imposed at a very early period by the Dutch government. This duty, which was regulated by various enactments of the British and Batavian governments, is at present levied at the rate of four per cent on the purchase money of all lands and houses sold or transferred ; the transfer of loan-places has constituted an exception, the buildings on them called the "opstal" having at all times been allowed to be sold by the occupier, and a transfer duty of two and a half per cent only has been levied, and which, as the value of the land has generally been included, even in the purchases that have been made by government in resuming loan-places, we think may have operated as a further inducement to the colonists to delay the conversion of the lands held on loan into perpetual quit rent.

As we recommend that leases should be executed for all lands that are occupied until they may be finally granted, we conceive that it will tend to promote improvement to allow a tenant the full benefit of them ; requiring, however, that in all sales or assignment of such leases a transfer duty of four per cent be levied, as in the case of all other fixed property, and that at the expiration of the term of lease he should be allowed to receive a grant of the land thus improved, at the rate of quit rent already fixed, or the valuation of his improvements.

The average receipts of three years on account of transfer duty have amounted to 108,038 rixdollars, or £8,102 sterling. As the transfer of all fixed property is subject to registry in an office that has hitherto been attached to that of the colonial secretary, and as the transfer duties have been received in another office established for the joint collection of tithes and transfer dues, we recommend, with the abolition of this office, the establishment of a separate office of registry in each province, and that in these offices transfers should be made, upon the production of a certificate from the respective treasurers that the duties have been received in the colonial treasury. Another branch of revenue consists of fees received on the issue of certain licences, which under the present system are required to be taken out on various occasions, in which we conceive that they

may be advantageously dispensed with, as in the instance of "Licences to collect fire-wood in the lands near Cape Town; licences to erect tents at the wharf; licences to go to the hot baths; licences to remain in or quit the colony." The licences to butchers and bakers have already been noticed. Several other licences are issued from the office of the colonial secretary, where the fees have also been collected. The licences for selling wine, spirits, beer, &c. by *wholesale*, are issued from the colonial secretary's office upon stamps, and the fees collected there. Those for the *retail* of wine and spirits are issued from the office of the collector of tithes, and the revenue collected there.

In the month of November 1823 the monopoly that we have better described under the denomination of the "pagt," was abolished in Cape Town, and licences were issued for the sale of wine and spirits by retail, but this system has not been extended to more than one of the districts (Albany).

We regret to observe, that owing to the neglect of the officers appointed to protect the interests of the public, these duties have been evaded, and the revenue has materially suffered. On the other hand, the nominal sums for which the monopoly of the "pagt" was annually sold were rarely collected, and the failure of the pagters in successive years led to considerable losses, the recovery of which for the public has been found impracticable.

We think that it would be very desirable to abolish these monopolies throughout the colony, which have tended in some districts, remote from the general market, to discourage the cultivation of the vine, and possibly in some situations the production of wines of superior quality, which would bear the expenses of transport by land. The practical inconvenience that has resulted to the wine farmer of being prohibited from disposing of a smaller quantity of wine than a half aum, or nineteen gallons, without the pagter's licence, has led to certain exemptions being granted by some of the landdrosts to enable the farmers in such situations to retail wine to travellers. We think it would be a means of relieving the inhabitants of the country from the undue claim on their hospitality, and of encouraging the cultivation of the vine throughout the colony, to allow the wine farmers who are situated at a distance of ten

miles from any town or village, and living within one mile of any of the principal roads, to take out licences annually for the retail of wines on their estates, in quantities not exceeding a gallon, and that such annual licence should be granted on a stamp of £5, but subject to a penalty of £100 if sold off the estate of the person thus qualified, or in any larger quantity except to a licensed dealer; one half of the penalty being payable on conviction to the informer, and one half to the treasury, to be recovered in the county courts.

In the same manner we recommend that a fine of £100 be levied upon all persons who may sell wine or spirits by wholesale or retail in the several towns and villages, and that these penalties be divided in the same manner between the informer and the government, and be recoverable in the respective courts.

In all cases the persons convicted should be declared incapable of holding a licence. We recommend that the fees on all licences which are retained should be included in the stamp on which the licence is granted, and collected at the stamp office. The licences that we propose to retain, are those for marriages by special licence, public billiard tables, retail shops, and fishing or shore boats, game licences, auctioneer's licences, and those for hawkers and peddlars.

In the abstract statement that we have prepared, and the new rates that we have proposed therein, your Lordship will perceive that we have estimated the annual revenue from licences in all parts of the colony at £12,776; we recommend that this may be collected through the medium of stamps, and for the benefit of the colonial treasury in the respective provinces.

The produce of the wine licences in the district of Albany alone have amounted in one year to 35,000 rixdollars, or £2,625, chiefly arising from the expenditure of the English settlers and the troops on the frontier. This branch of the revenue has been given up to some of the districts, but we hope that all such licences, including those to farmers for retailing the produce of their vineyards, will in future be a source of considerable revenue to the government, and of relief to the inhabitants of the country from injurious restrictions.

The revenue from stamps, which were introduced by the Dutch government in 1714, has been regulated from time to

time by tariffs, which were revised in the year 1824. We are of opinion that it will be necessary to reduce the stamp duty in some cases, and to augment it in others.

Upon reference to the tariff it will be found that the stamp duties attach to nearly every species of civil transaction, and in many instances, in augmentation of the duties to which they have been made subject.

Stamps are used in transfers of real property, mortgages, bonds, wills, donations, balances of all administrations, marriage contracts and licences, ordinary contracts, sales by auction, licences to carry on trades, grants of land, receipts for annual quit rent, and lastly, for proceedings in the courts of justice (including the office of the sequestrator,) and copies of documents made in the office of the secretary to the court of justice. Although the revenue derived from the aggregate amount of the stamp duties is very considerable, yet we do not think that the pressure of them is much felt, except in the judicial proceedings, and more especially in those that are conducted in the inferior courts; this inconvenience will be partially removed by the simplification and abridgment of the proceedings that we have had the honour to propose in the higher courts, and by dispensing with all stamps on proceedings in the lower courts, where the sum in demand does not amount to 50 rixdollars, or £3 15s. sterling, and by extending the reduction lately made in the value of stamps on proceedings under 100 rixdollars to those under 300 rixdollars, or £22 10s. sterling.

It is fit, however, that we should draw your Lordship's attention to a stamp of rather peculiar nature and amount, that is required upon an application for leave to bring actions against certain officers of the government, called a "venia agendi," to which we have adverted in our remarks upon the judicial establishments. The stamp upon the application amounts to three rixdollars, or 4s 6d., and upon the reply or decision of the court, to twelve rixdollars, or 18s. sterling. It was raised to this amount for the purpose of affording additional protection to the officers, who by custom have been considered entitled to it from vexatious actions.

By taking away the protection, and limiting it by charter, the use of this heavy stamp will necessarily cease.

The paper stamped on such occasions to be delivered over to the latter, who should be debited with the amount in his accounts with the treasurer, subject to a final settlement at the end of each quarter, when an account should be rendered of the quantity and value of stamps sold in the preceding quarter ; we think that the practice of signing the stamps may in future be discontinued, and that the residence of the commissioner of stamps in Cape Town, which has latterly been dispensed with, will be necessary to secure the interests of the public in so important a branch of revenue.

The duty hitherto performed by him has been confined to the signature of the stamped paper, which has been transmitted to Graham's Town for that purpose ; exposed to the risk of accident common to that journey, and constituting a serious addition to the ordinary burthen of the post. A fee proportioned to the value of the stamps has been allowed to the commissioner on the sales of stamped paper, conducted in the office at Cape Town, and which has been received on his account by the collector, but not accounted for, as nearly all other fees have been, to government. The fees in the stamp office have constituted an additional charge upon the public, and their average annual amount during the three years, 1822, 1823 and 1824, was 9,637 rixdollars, or £722 15s. 6d. sterling, that is about six per cent in addition to the amount of duties collected, which have averaged 149,045 rixdollars per annum, or £11,178 sterling. The very important duty of keeping and issuing the stamped paper, and accounting for the proceeds to government, which previously to the year 1822 had been occasionally superintended by the principals in the office, has since that period been entrusted to a clerk in the office of the colonial secretary, who has been allowed £60 per annum by the commissioner of stamps. We recommend that the mode of remunerating the commissioner of stamps should in future be assimilated to that of the other officers in Cape Town, that the fees should be abolished, and that a salary of £800 per annum should be assigned to him out of the colonial revenues.

The sale of stamps in the country districts has hitherto been exclusively entrusted to the secretaries of districts, but this practice we conceive may be discontinued, and the stamps disposed of by stationers, as is customary in England.

We are not of opinion that it will be necessary to establish a separate stamp office in the eastern province.

An emolument consisting of one skilling or twopence farthing sterling per pound on all gunpowder sold from the ordnance stores to the inhabitants of the colony, has been derived by the commissioner of stamps from the fees on certificates or permits that he has been authorised to grant for the sale of gunpowder by the ordnance department. These fees have averaged 3,580 rixdollars, or £268 per annum.

In a country in which the use of gunpowder is so general, both for the destruction of wild animals, and for the defence of insulated farms if attacked, we are not aware that it is necessary in the present state of the colony to subject the inhabitants to the inconvenience attendant on the maintenance of the monopoly in the hands of government, or to impose on the ordnance department the inconvenience of keeping accounts of the retail trade that it is necessitated to conduct in supplying the demands of the Boers. That this restriction has not had the effect of preventing the smuggling trade in arms and gunpowder upon the frontier is apparent, from the supplies of both that are obtained by the Griquas or Bastaards who are settled beyond the Orange River; and as these resources enabled them to repel the attacks of the more northern tribes of savages in 1824, by which the invasion of the colonial frontier may have been prevented, we are disposed to think that it may be expedient to legalise a traffic, which from the immense extent of the northern frontier, and the absence of all control over it, it must be impracticable altogether to suppress. The gradual introduction of fire-arms amongst the Caffres, when the relations of trade have connected their interests more firmly with those of the colony, would in the same manner enable them to resist the threatened attack of a warlike tribe of savages on their eastern confines; although the prohibition will be properly subject to the discretion of the lieutenant-governor of the eastern province, and dependent on his local experience and observation. We think, however, that the restriction may be entirely removed within the colony, and the certificates from the stamp office discontinued.

A considerable revenue has been derived from duties upon

auction sales, which have been conducted exclusively by a department of the government, a practice which originated in the monopolies of the Dutch East India Company, was abolished by the British government in 1798, and was revived by the Batavian administration that succeeded, and has continued to the present time with little modification, except by a change of designation of vendue master, and the appointment of two "joint commissaries of vendues."

All public sales in Cape Town are conducted by auctioneers attached to the vendue department, and under the superintendence of the joint commissaries. The applications of merchants or of individuals are addressed to the commissaries of vendues, when they wish to dispose of their property by public auction, and the days and hours are fixed by ballot, on which their sales are to be respectively held, and which are duly notified in the gazette. The sales of merchants are generally conducted in the public streets, where the goods are displayed. The authorized credit allowed by the vendue office is for three months on all sales of moveable property effected in Cape Town or Simon's Town, and four months on sales in the country districts. All persons who have credit with the vendue office are allowed by the auctioneers to bid at the sales. This credit has been acquired with great facility by persons in business, and others of a certain class, who by purchasing at a credit of three months are enabled immediately to retail them, and often at an exorbitant profit to the poorer classes of the inhabitants, who do not possess the credit that would enable them to purchase at the auctions for themselves. The retail profits in Cape Town are considered to check consumption, and thus to discourage the trade of the colony; and the facilities afforded by the credit of the vendue office enable many persons to become speculators at such sales without capital of their own, and to obtain prompt repayment at advanced prices for the goods they have purchased, and before they are called upon to discharge their accounts with the vendue office.

At the conclusion of each sale accounts are prepared in the vendue office, called "vendue rolls," which on account of the responsibility of government, and of the privilege of the department to recover by the summary process of "*parata executio*,"

are readily discounted either at the bank or by individuals, at six per cent per annum.

It was the practice at one time to discount these bills at the vendue office, which was a source of considerable emolument to the commissioners of vendues, but since the repayment to the colonial treasury of a sum of 30,000 rixdollars, which had been advanced for this purpose, the practice has been discontinued.

We will not detain your Lordship by attempting to explain the complicated mode in which the fees and emoluments now enjoyed by the numerous officers of this department are apportioned. The aggregate amount of these emoluments, including salaries, amounts to £3,513 sterling. The profits to government arise from a charge of five per cent on the sale of all moveable property, including slaves, and of two and a half per cent upon all immoveable property.

The business of the vendue department in the districts is conducted under regulations similar to those in Cape Town, and the profits of the vendue masters have consisted of two per cent upon the sale of moveable, and one half per cent on immoveable property, deducted from the vendue duty of five and two and a half per cent.

A vendue master and an auctioneer are appointed to each district. The former appointments have been held in many instances by the secretaries of districts, whose duties are entirely incompatible with those of vendue masters. At Stellenbosch, the vendue master has been allowed to take counter security from the auctioneer, who performs both duties.

With a view to afford dispatch to the transactions of the vendue department, the vendue bills, after receiving the fiat and signature of a commissioned member of the court of justice, or in the country districts of the landdrost and heemraeden, become entitled to speedy execution in the hands of the sequestrator.

By virtue also of certain instructions that were issued to the vendue master in the year 1808 by Lord Caledon, for the purpose of giving security to the vendue master, he possesses a lien, or tacit hypothecation, upon the property sold by ~~action,~~ possession of the purchaser within ~~xx~~ f the purchase; and he has preference

also during that period to all general obligations, whether registered or notarial, of a later date than the day of sale.

The colonial government has lately declared its responsibility for all claims upon the vendue department for the proceeds of sales held for the \* regulated periods of credit ; provided such claims are made within three days after they become due, and that the parties have reported the default of the vendue master in five days after the demand has been made.

On a recent occasion of the failure of the vendue master in the district of Albany, several claims were brought forward by the creditors of the department, which were immediately satisfied by an advance from the funds belonging to estates under sequestration, in expectation of eventual reimbursement from some private sources of credit on which he relied. The charge has not hitherto been made on the colonial treasury, which however is responsible for the amount, as well as for an accommodation previously afforded by the bank to the same vendue master by order of the government.

The system adopted by the British government in 1795 consisted in granting licences to auctioneers who accounted for the regulated per centage claimed by government on the proceeds of their sales, and paid a stamped duty for their licence granted to them, on affording security for the due discharge of the public claims. A penalty of £200 was enacted against those who should conduct sales without a licence, or without accounting for the auction duty.

It has been represented to us that the want of persons of sufficient responsibility, may be considered to have operated at that period in defeating the salutary objects that were contemplated by the British administration, in relinquishing the exclusive privilege of conducting the auction sales by means of a department of government.

The responsibility, however, which attaches to the government for such a numerous class of officers in all parts of the colony, and under a system so complicated, that an entire reform would in any event be necessary, induces us to consider that the credit of government should cease to be afforded to this branch of trade, and that auctioneers should again be licensed in conformity to the principles of the proclamation

\* Cape Town 3 months, Districts 4 months.

dated 30th October 1795 ; requiring, however, that they should give security to the public in two sureties of £500 each, and that all penalties for breaches of the regulations should be payable on conviction, in the proportion of one half to the treasury, and the other half to the informer.

We think it right to add, that the distribution of the penalties imposed in this, as well as in all other acts and ordinances for the security of the revenue, should be distinctly stated, as we are induced to think that the omission of such a declaration in the proclamation of 1795, and in the ordinances of the years 1821 and 1823, has been injurious to the branches of revenue which they were intended to protect.

As many interests will be affected by this change, we think that the greatest vigilance on the part of officers of government will be necessary in the first instance to protect the public revenue, and as the accounts of the vendue office will require some time for their final adjustment, we recommend the continuance of one of the commissioners of vendues for a limited period, who should be charged with the settlement of all accounts, and the recovery of all arrears due to the government.

We think it probable that many of the auctioneers of the department are in circumstances to conduct business for themselves, and we should recommend that one sworn auctioneer and appraiser should be licensed in each county, and who should conduct sales on account of estates administered by the orphan chamber, and (at the option of the sheriffs,) of property taken in execution. They should also assist at the valuation of property in cases of division by inheritance.

The licensed auctioneers should be required to produce their books monthly to the collector of taxes, and quarterly in the counties to the civil commissioners, when they should swear to the amount of all sales effected by them. At the end of every quarter the auctioneers in Cape Town should be required to pay over the amount of the auction duty to the collector of taxes, and those in the country at the end of four months to the civil commissioners.

We recommend that the auction duty be reduced from its present rate, at five per cent to four per cent upon ~~more~~ property, and from two and a half per cent to two

on immovable property ; allowing the auctioneer to charge the difference for his own profit, being one per cent upon moveable, and half per cent upon immovable property.

At present the auctioneers of the vendue department in Cape Town are allowed one-ninth part of five per cent on moveable property, and one-ninth of two and a half per cent on immovable property sold, or somewhat more than half per cent on moveable, and one quarter per cent on immovable property. In the country districts the vendue masters are allowed two per cent on moveable, and one half per cent on immovable property. In consideration of the present state of property in the districts, with the exception of that of Stellenbosch, where the sales are frequent, and of extensive amount, we recommend that this allowance to auctioneers should be continued, but that the same rate of profit which we have proposed for the auctioneers in Cape Town should be allowed to those in Stellenbosch.

We estimate that the salaries, emoluments and expenses of the vendue department constitute a deduction of more than twenty per cent, exclusive of all losses that may be sustained by the government in consequence of its responsibility for defaults ; a sum that is more than equivalent to the profit we have proposed to assign to the auctioneers.

The annual amount of the gross revenue derived by government from the vendue department has averaged in four years, 1821, 1822, 1823 and 1824, 173,289 rixdollars, the sum of £12,996 ; and we are induced to expect that the effects of competition in the revival of prosperity will much tend to increase this branch of the revenue.

We have already noticed the stamps chargeable upon insolvent estates. All sales on account of estates under sequestration having been conducted by the officers of that department, a duty of five per cent is charged upon the gross produce of landed as well as moveable property, and two and a half per cent on the liquidation of sentences, and on payments made to the sequestrator.

Independent of the stamps required, fees are charged according to a schedule, and received by the government, and yielding an annual revenue, which upon an average of four years has amounted to £3,126 sterling. A deduction is

thus made from the property of the debtor, or at least so much of it as may have exceeded the expenses of the department on which this duty has devolved. In cases of partial sequestration the charge has been proportionably augmented to the debtor, and this in many cases has led to the ruin of indigent persons. We have had the honour to represent to your Lordship, in our Report upon the judicial establishments, that the appointment of sheriffs in the western and eastern provinces for the superintendence of the executive duties, and of a commissioner of bankrupt and insolvent estates, for the equitable jurisdiction, now exercised by the sequestrator, would tend greatly to facilitate the recovery of debts, and the earlier distribution of them amongst the creditors. To both these officers we have recommended that salaries should be paid from the colonial treasury. On the other hand, we recommended that no stamps should be used in the recovery of debts under fifty rixdollars, or £3 15s., and we propose that the charges of the sheriff should be limited in such cases to a fee of one rixdollar, or 1s. 6d., on writs of execution, to the necessary expenses occasioned by travelling and levying the debt out of town, and in proportion to the distance. We anticipate some reduction in the fees now paid to government by the sequestrator's office, from a simplification of the forms of proceeding on executions; and we further recommend that the charge of five per cent on the proceeds of property sold in satisfaction of debts, should be reduced to two and a half per cent, and that this charge of two and a half per cent should be extended to all payments made to the sheriff on sentences previous to the sale of goods levied upon. We estimate that the amount of this per centage will indemnify the government for the salary we have recommended for the sheriffs in each province, who should be allowed to charge for the attendance and travelling expenses of a clerk and messenger.

We have lastly to recommend, that all sales of property, taken or sold under judicial sentences, either by the sheriff himself or by the auctioneers, and all sales of insolvent and bankrupt estates, should be exempt from the auction duty.

The customs are a branch of duty in this colony comparative of modern date. During the existence of the mon~~ey~~ Dutch East India Company it had no existence, and

of this revenue is a decisive proof of the effects that have resulted from the partial removal of impolitic restrictions, and of those further advantages which may reasonably be expected to ensue, when all obstructions to the prosperity of the colony have been removed, and when their industry and enterprise may be commensurate with their inclination to enjoy the comforts and conveniences of life.

We have already explained to your Lordship the nature of the restrictions on the commerce of the colony, and which, though partially removed during the first occupation by the British government, were not superseded till a later period. The colonists having been excluded from all participation in the external trade of the colony, as well as hampered in their internal transactions, appeared to have limited their desires to the natural resources of the colony, and to the acquirement of a few articles of the first necessity. Mechanical and agricultural labour was rudely performed by slaves, and the facilities afforded by the slave trade enabled the colonists to indulge their taste in the erection of spacious dwelling-houses not unsuited to the climate, and to subsist numerous retainers upon the cheap productions of the soil and pastures. These frugal tastes were rather encouraged and fostered under the Batavian administration that succeeded in 1803, and the little intercourse which was maintained with Europe subsequently to the renewal of war, had reduced the colonists still further to a dependence on their own resources. The sudden influx of capital after the capture of the colony in 1806, the disbursements occasioned by the support of fleets and armies, and the sale of the cargoes of British ships, and those of captured vessels, created at once a demand for the produce of the colony, a quick return to the colonists, and a ready means of supplying themselves with those articles of luxury and convenience from which they had formerly been in a great degree excluded.

The inhabitants of Cape Town participated to a great extent in these advantages, from the trade of the colony being exclusively confined to their port; and the abolition of the slave trade, which increased the value of their property in slaves, afforded them a considerable resource from the hire of their labour.

The influx of European settlers has tended to increase the

importation of goods, by the introduction of a new class of consumers, supporting themselves by their industry, and ambitious to improve their circumstances, in which some individuals of the mechanical class have been prominently successful.

The issues of paper currency in the years 1810 and 1812 gave a momentary stimulus to the colony, and the accommodations afforded by the banking operations of the government, which were extended by these issues of inconvertible paper, encouraged the colonists to engage in transactions, which, however improvident in themselves, increased the trade of the colony, and gratified the taste for luxuries. The diminution of the government expenditure, consequent upon the establishment of peace and the reduction of the garrison and fleet, and also the decline in the value of the currency, suddenly contracted the means of the colonists, who continued however to derive a resource from the labour or the wages of their slaves, and were encouraged to mortgage them, together with their fixed and moveable property, by the accommodations afforded them by the government treasury and banks; and which they could also derive from the funds of certain institutions and charitable foundations.

While their means of redeeming these debts have been gradually impaired, (notwithstanding the depreciation of the currency in which they were contracted), the decline of the wine trade, which had led to considerable speculations, and the repeated failure of corn crops, have tended to augment their difficulties; and although these losses have been chiefly felt by the agriculturists, a material declension has also occurred in the resources of the inhabitants of Cape Town, but without producing any discernible change in their external circumstances, in their houses, equipage and dress. The revenue of customs which rapidly increased, has been sustained in a greater degree by the system of accommodation that has facilitated the indulgence of these tastes, than by the solid prosperity of a thriving and industrious population.

The imposition of a colonial duty of ten per cent on goods imported from the eastward, having discouraged an intercourse that was highly beneficial to the colony, the trade has been principally carried on of late years with England; the chea-

of British manufactures would have encouraged the consumption of them independently of such protection, but the effect of these duties has been chiefly injurious to the colony in checking the importation of supplies, which, from the comparative nearness of several of the eastern ports, and the prompt supply to be obtained from them of cheap corn and rice, were of the greatest importance to the people in times of scarcity.

On the other hand the colony possesses no shipping which could enable it to embark to any extent in the trade of supplies with the West Indies or South America, nor has it benefited much from the trade with the continent of Europe, from whence but few ships arrive. The importations from Holland of certain manufactured articles of domestic use, for which the old inhabitants still manifest a preference, and occasionally of a few articles of French manufacture in the vessels of that nation, constitute the only exception.

The duties now levied at the custom-houses in Cape Town and Simon's Town consist of three and a quarter per cent on all produce and manufactures of Great Britain imported in British vessels, and of ten per cent on all foreign goods, and upon all articles the growth or produce of eastern countries, whether imported in British or in foreign vessels. Without anticipating the details which will be contained in our Report upon the trade of the colony, we would here observe, that as the peculiar advantage which this colony derives from its geographical position, is the opportunity that it affords to the vessels of all nations trading with the east of frequenting its ports in search of those supplies which, if duly encouraged by a revision of internal regulations, may be brought to market more cheaply and abundantly than in any other colony in the possession of the Crown, we consider that it is a measure no less of justice than of policy to give the utmost encouragement to a trade on which the colony must in a principal degree depend for its recovery from the effects of recent depression; for although the exports of the colony may gradually increase, as they have already in some degree done since the war, it is manifest from the effects of the encouragement which was given from the earliest establishment of this settlement to the production of those supplies that were required by the Dutch East

India Company for their shipping, and were subsequently made available in provisioning our fleets and garrisons during the war, that it is on these resources the colonists have principally to depend for the acquirement of the conveniences, and of many of the necessities of life.

A partial export of such supplies to Mauritius and Bourbon may be expected to take place in exchange for sugar and coffee, but the demands of ships that may casually enter the ports, and which they may have an opportunity of compensating by the exchange of a part of their cargoes, would collectively constitute a greater resource; and although for the purposes of general trade it will not be necessary to establish a custom-house at each of the outports of the colony, we think that it will be conducive to the interests of the colonists in the remoter districts, if the residents at the outports should be authorized to allow vessels to import a part of their cargoes in exchange for such supplies as may be procured from the neighbouring farms. Settlements would thus be encouraged upon the coasts which might eventually justify an increase in their establishments, and secure to the inhabitants of the interior a full participation in the advantages of general commerce.

In the present circumstances of the colony, we are not of opinion that it will be necessary to establish a separate custom-house except at Port Elizabeth, in which the custom duties received in the eastern province may be accounted for in the same manner as those in Cape Town.

The duties of the custom-house in Cape Town are entrusted to a collector and comptroller, whose offices are contiguous.

In the absence of the collector his duties are performed by the comptroller, who is also comptroller of the customs at Simon's Town, where a collector's department is also established; separate books and accounts are kept in the offices of the collector and comptroller: the collector, in common with other receivers of revenue in Cape Town, is required to deposit daily in the bank all sums received by him on account of the public.

As it is the duty of the auditor-general to examine the books of the several collectors of revenue, we think that the performance of this duty will constitute an efficient check upon the receipts of the customs in Cape Town, with the opportunity he has of comparing the entries of the merchants with the permits

granted by the collector, and his receipts with the amount deposited in the bank.

Although we do not recommend the entire reduction of the office of comptroller of customs in Cape Town, we think that a salary of £700 per annum will be an adequate remuneration for all the duties he is called upon to perform.

We recommend that the salary of the collector of customs at Cape Town should continue at the present rate of £1,000 per annum, but that the salary of the collector at Simon's Town should be reduced from £700 to £400 per annum. The duties of Port Captain in Simon's Bay might also be annexed to it, as we do not consider the duties of these two offices to be incompatible with each other.

We are not of opinion that it will be necessary to continue the appointment of comptroller of customs at Simon's Town.

The reduction of these offices amounting to £900 will provide for the establishment of a

Reduction in the Salary of Comptroller, Cape Town .	£300	custom-house at Port Eliza-
Do. Collector Simon's Town .	300	beth, a port contiguous to
Do. Comptroller do. .	150	Uitenhage, which we have pro-
Do. Port Captain do. .	<u>150</u>	posed to establish as the seat
	£900	of government in the eastern

province, and that which is most likely to prove attractive to shipping. We recommend the continuance of the appointment of an officer of customs at Port Frances, who should report to and act under the orders of the collector at Port Elizabeth. The gross revenue derived from the customs in all the ports of the colony has averaged during four years, £23,199 sterling per annum.

Since the year 1819 the duties have been required to be paid before the goods pass the custom-house, and directly upon the invoice prices; but an exception has been made in favour of the East India Company, whose agent is permitted to land their investments, and after disposing of them by public auction, to pay the custom duties upon the net proceeds of the sales. In our Report upon the trade of the colony we shall have occasion particularly to advert to the effects of this monopoly, which was originally established with a view to the convenience of the inhabitants. The interests of the colony would be promoted by an abatement of the duty, and also of the

monopoly price enjoyed by the Company, and which is enhanced at present by the charge of very expensive freight for the whole voyage from Canton to England. Some reciprocal benefit would result were the East India Company to promote the trade in supplies with Saint Helena, and the export of wines to England, and to their Indian possessions, in return for the value of their teas and other goods imported into the colony.

As we shall advert more particularly to this subject in our Report upon the trade of the colony, we shall here only add, that if the East India Company are interested in the monopoly of the tea trade at the Cape, while their own possessions in the east are supplied by licence, the colony is at least entitled to the reciprocal benefits we have proposed, and which should be made the condition of their retaining the exclusive privilege, which may perhaps be important to them as long as they possess the general monopoly of the tea trade, and which might be evaded through the medium of the Cape traders.

After giving the fullest consideration to the subject of the colonial duties now chargeable upon British and foreign goods imported, we are disposed to recommend to your Lordship a considerable reduction of them, and in particular upon foreign and eastern goods ; a measure that we think would tend to an early increase in the trade of the colony, without prejudice to British manufactures, the taste for which is now generally established.

The increased consumption of the productive classes would be the consequence of the facilities afforded to the colonists for the disposal of their surplus produce, whether by exportation to Mauritius, or to other places, or in furnishing the supplies required by shipping in the prosecution of their voyages round the Cape, whether outward bound from Europe or America, or in returning from the ports of Asia. From the effects of an increasing trade with the several parts of the colony, we should be induced to anticipate an eventual increase, rather than a diminution of the revenue, from a reduction of the colonial duties, and we accordingly recommend that three per cent should in future be charged upon all goods imported in British vessels, whether registered in England or in India, if navigated by British seamen, and five per cent upon all goods imported

in foreign vessels, or in British vessels registered in India, but navigated by Lascars or European foreigners.

By a proclamation of 1803, a fee of four skillings, or 9d. sterling, is required to be paid at the custom-house, on taking out a permit to land the baggage of individuals, and a fee of one rixdollar for a permit to land merchandise.

By a proclamation of the governor in 1814, a charge has been made by the custom-house upon all goods bonded in the government stores in proportion to their bulk. The annual amount received on this account has not averaged more than £245.

The expenses attendant on the landing and re-exportation of goods at the Cape are so considerable, that we entertain doubts whether any merchants will be induced to bond their goods, and to incur the expense of a double freight in addition to those charges. The bonding of corn may take place in anticipation of an unfavourable season, and the establishment of granaries at each of the outports (a measure that was contemplated and even commenced by the Batavian government), would greatly tend to facilitate the export of corn in favourable seasons from all parts of the colony, as well as the prompt supply of the farmers in years of scarcity with seed, wheat, and grain for consumption.

The inability of the farmers to send to Cape Town for supplies, has been the occasion in the last year of a deficient quantity being sown, and by which the losses occasioned by the late failures might have been in some degree compensated. These granaries would facilitate the deposit of goods at the outports, which might be landed in exchange for supplies, and they might remain in bond until the authority was received from the custom-house at Cape Town, or at Port Elizabeth, for the payment of the duties.

The wharf duties in Table Bay and Simon's Bay form another branch of the collections for which the department of customs is responsible. Those at Cape Town are collected by authority of a proclamation of the governor in 1819, to provide for the repairs of the wharf, and of the cranes employed in landing and embarking goods. The wharfage duty levied in Table Bay amounted in the year 1823 to £1,436, and on an average of six years, to £1,347 per annum

These collections are immediately made by the clerks appointed to attend at the wharf, and attached to the wharf master, an office that has recently been suppressed.

The post office, which has been established at the Cape under colonial regulation, has not hitherto been a source of revenue to the government; and occasionally the annual expenses of the department have far exceeded the amount of postage collected. The rates of postage which were regulated in 1816, will we think admit of some augmentation.

The mails throughout the colony are conveyed on horse-back by post-riders, who are generally Hottentots or slaves in the service of the Boers residing near the high roads, and who are appointed "post-holders." They receive an allowance regulated by the number of hours journey that are estimated from their residence to the next post, and for which they engage to carry the mails. One mail in each week is forwarded from the general post office in Cape Town and returned; extra posts to and from the frontier are also despatched when the public service requires it. In consequence of the increased communication on the eastern road during the military operations on that frontier, and subsequently from the settlement of the English emigrants in Albany, the allowance to the post-holders on that road has been increased from 3 rixdollars or 4s. 6d. to 9 rixdollars or 13s. 6d. an hour; but on the northern and western roads, and on the cross roads, the sum of 3 rixdollars continues to be the rate; for this sum the post-holder is bound to provide a man and horse for the carriage of the ordinary mail, and the extra posts are paid for throughout the colony at the rate of 3 rixdollars.

From the increased communication on the eastern road, two and sometimes three horses are required; and the weight of the mails which are carried by the riders, or slung over the led horses, was until lately much increased by the transmission of stamped paper for the signature of the commissioner, during his residence in the Albany district, and by the carriage of English and colonial newspapers, for neither of which any postage has hitherto been charged. The post-holders are also bound to note the hour of arrival and departure of the mails from their stations.

In the several villages postmasters are appointed, with authority to open the mails, to distribute the letters, and to collect postage within their respective districts, but they are not required to give security.

The post-holders are appointed by the landdrosts, and are not subject to the control of the postmaster-general in Cape Town.

Tenders have occasionally been made by individuals to contract for the conveyance of the mails through certain districts, but they have not been accepted.

The transmission of mails has been accelerated by the attention that has been paid to this object by the British administrations, and by the increased remuneration that has been made to the post-holders on the eastern road ; but the arrangement is very defective, both as it is removed from the direct control of the postmaster-general in Cape Town, and as the persons employed to carry the mails (who are generally Hottentots,) are very inadequately paid and provided by the Boers, being frequently contracted to them for the performance of this very laborious duty, for wages that in some instances have not exceeded two rixdollars, or three shillings per month, and are compelled to ride with the mails in all seasons and at all hours with very little clothing. It has also been customary with some of the landdrosts to consider this employment of post-riders in the service of the Boers in the light of a public duty, which the Hottentots of the missionary institutions have been bound to render, and for the performance of which they have been required to relinquish other and more profitable employment. In some instances they have been required to perform this service gratuitously.

A survey was made of the roads, with the distances estimated in hours, and a copy of it was lent to us when we made the circuit of the colony ; but we do not find any copy of this survey on record in the public offices, nor in the offices of the deputy quartermaster-general or chief engineer.

The report of Colonel Collins contains some useful details ; but it will be necessary that the attention of the surveyor-general's department, the establishment of which we propose to recommend to your Lordship, should be directed to the early completion of the admeasurement of the roads in British

statute miles, by which the transmission of mails should in future be regulated.

We think that it will be found practicable for the postmaster-general to contract with individuals for the carriage of the mails throughout the colony, and to secure the attention of the persons who may reside at the post stations, by the superintendence of a smaller number of contractors, who should be required to enter into security for the due performance of their contracts.

The annual expense of the post offices in Cape Town and country districts have averaged £1,575 ; and the allowances to post-holders for conveying the mails £3,300, thus constituting a total charge of £4,875 sterling ; while the annual amount of postage received has not averaged more than £1,950, leaving a deficiency of £2,925 per annum chargeable upon the colonial revenues.

With the reforms that are indispensable in this department, we cannot therefore calculate upon any revenue being immediately derived from it, although we are of opinion that the carriage of private letters ought not to be a source of expense to the public. The correspondence of public officers and departments is at present more considerable than that of individuals ; but we think that the former may be considerably abridged (as it will necessarily be, in some degree, by the separation of the administrative authority of the two provinces,) and that the latter will increase with the general intercourse and transactions throughout the colony.

We are much disposed to think that a reduction of the expense may be made by discontinuing the post from Tulbagh to Graaff Reinet, and carrying on the correspondence with the latter district through Graham's Town and Somerset.

A revenue has been nominally derived by the colonial government from the profits of a printing establishment maintained at the public expense. It existed under the Batavian government, and continued until the year 1824 to engross the whole of the printing business of the colony, either for the government or for individuals. Certain fees having been improperly taken and appropriated by the superintendent to himself and others in the printing office, the department was regulated in the last year, and a new superintendent appointed.

Since the establishment of two private presses in Cape Town, much of the business formerly performed in the government printing office has been withdrawn from it ; and although it continues to print for the public, and has the benefit of advertisements, the charges for which are regulated by tariff, the profits arising from this source have been much reduced.

On the other hand, it has been found expedient to limit the government gazette printed at this office to the publication of the ordinances and regulations of the government, and to such private advertisements as are offered.

The department has been lately engaged in printing a compilation of the laws and regulations of the colony in English and Dutch, from the year 1806 to the present time ; and it is ordinarily employed in printing the various blank returns and papers required by the public departments.

Considering that the annual expenses of this department are £1,735 sterling, and that it is expedient that the government should relinquish the profit it derives from private business, which for the most part is now performed by two private presses, we are of opinion that the estimated profit of £838 per annum would not be an object for which the maintenance of such an establishment would be justified, admitting that the department was a source of real profit to this extent, and that the printing business of government could not be more cheaply executed. We are therefore of opinion, that the government printing office may be advantageously reduced ; and that the printing business of the government, including the publication of ordinances and government advertisements, may be contracted for by a private printer. But as occasions may arise which require extraordinary dispatch and secrecy, it will be expedient to employ a small printing press in one of the government offices, the expense of which will be very inconsiderable.

We cannot doubt that the printing business of the government would be an object of considerable importance to a printer, who would undertake it upon terms more advantageous to the public, than are comprehended in the permanent and contingent charges of a stipendiary department.

The fees collected in certain public offices in Cape Town have been carried to the credit of the public, pursuant to the orders of His Majesty's government to that effect. The former

practice of the Dutch government has, however, been adhered to in some offices of allowing the fees taken in them to form a part of the emoluments of the functionaries. This practice has chiefly prevailed in the vendue, stamp and printing offices in Cape Town, and in almost all the public offices in the country districts.

The amount of fees paid into the colonial treasury during the year 1825 was 75,074 rixdollars, or £5,630 sterling ; and we have estimated that after deducting the fees that are now taken in offices which we have recommended to be abolished, and transferring the receipt of those that we propose to continue to the colonial treasury, the revenue from this source will amount to £7,500 per annum.

It only remains for us to explain to your Lordship the nature of the revenue that has been derived from the banking establishments of the government, in the consideration of which we shall take occasion to explain their origin, the principles upon which they have been conducted, and the means by which they may be rendered more conducive to the interests and convenience of the public. The importance of this subject will we hope excuse the details into which we think it necessary to enter.

The nature of the regulations relating to the trade of the colony, under the government of the Dutch East India Company, by whom it was entirely engrossed, restricted the transactions of the colonists within very narrow limits. The supplies of cattle and corn from the country being exchanged for merchandize imported by the company, the maintenance of its establishments depended as well upon the profits of the traffic, as on the land assessments and other sources of revenue.

In those transactions, when they were not accomplished by means of barter, specie must have been employed until the year 1782, when the interruption in the commerce of the Dutch, occasioned by their participation in the American war, led to the issue of paper currency, which has continued to be the prevailing medium of exchange within the colony, although from its inconvertible nature, it has not been available in the transactions of external commerce.

Having already explained to your Lordship in a former Report, the origin of the colonial debt, contracted from the issues of this paper by the Dutch and English government,

## III. - - - - - The Banks.

WE WILL now speak of other subjects respecting it; but as the Bank of the Bank have imposed altogether upon these subjects a & greater task we should suppose that although the more difficult for political in the government at the par of commercial we will yet the principal part of the debt contracted by the state from 1791 to 1794 was redeemed between 1794 & 1796. But with the nature of the currency, it seems well to let everybody see its real degradation. so soon as the debt is paid off it should be removed, and the quantity of gold or silver should exceed the demand for it as a medium of commercial transactions.

The loss of the Bank of Utrecht in 1793 by the Batavian Government you account to have originated in the complaints of the value of the coin made by the colonists, who said that the coin required to depend on the assistance they received in their agricultural pursuits from the commercial transactions of the East India Company. The object of the Batavian Government was to turn an establishment which would enable the colonies to regain their independence without resorting to the previous course of employing military forces at ruinous rates of interest.

As the capital of the Dutch East India Company was withdrawn, the small capitals in the hands of individuals were thus gradually employed, and from this source may have originated that system of accommodation which has prevailed so extensively in all the publick establishments in which funds have been accumulated, and the eagerness of individuals to obtain loans from such funds at a moderate rate of interest, some of which were directly employed by the borrowers in improving their estates and others in obtaining accommodations at a premium to those who could not obtain them.

On the establishment of the Lombard Bank in 1793, various sums in paper currency were advanced to it, and which amounted in the first year to 525,000 rixdollars, and at the period of the capture in 1795 to 680,000 rixdollars.

By the regulations that were framed, and that were issued in 1804 these funds were applicable to the relief of the inhabitants by advances being made to them upon pledges of their personal property, and upon mortgages of their real property.

The establishment of the bank was composed of a board of

three commissioners, a book-keeper, treasurer and clerks, appointed by the government, the senior member being president for a year. The capital advanced by the treasury was directed to be lent out by the commissioners at an interest of five per cent per annum, for which they were to be accountable to the government. The loans on lands and houses were to be secured by mortgages, and repayable by instalments. The loans on deeds and registered bonds, on gold, silver and merchandise, and on furniture, linen and other articles not perishable, were to be repaid within eighteen months or sooner, according to the nature of the property upon the security of which the money might be advanced.

Loans on mortgages in Cape Town, (principally on houses,) were to be granted to the extent of half the value of the property, and loans in the country, chiefly on lands, to the extent of two-thirds of the estimated value ; and collateral securities for principal and interest were to be taken at the discretion of the commissioners, who were required to be unanimous in granting any loan.

All deeds passed before two of the commissioners were to be valid, and were required to be registered and executed on stamps. Fees were to be taken on the renewal of loans, and on all moveable property ; the loans were not to be negotiated for a shorter period than six months, nor for a longer period than two years.

The commissioners were directed to hold sales of unredeemed pledges ; and were allowed to recover the claims of the bank, by a short process called "*parata executio.*"

"Eighty-five per cent" was allowed to be advanced upon pledges of gold and silver, and fifty per cent upon merchandise and moveable property ; not more than 20,000 rixdollars in currency were allowed to be kept in deposit by the bank at one time, the surplus being required to be deposited with the receiver-general ; and the treasurer of the bank was allowed to retain in his chest a sum of 1,000 rixdollars. The books of the bank were directed to be signed by the commissioners monthly, and to be made up at the termination of each year, to be examined by the governor in council, and discharged by the board of finance : each commissioner was required to give security in a sum of 5,000 rixdollars.

In the year 1796 a repayment of 14,500 rixdollars appears to have been made by order of the British governor to the colonial government, and in 1802 a further advance was made by government to the bank, of 165,000 rixdollars, at which period the nominal capital appears to have amounted to 810,255 rixdollars, 12 stivers. During the period of the Batavian administration that succeeded, a measure was adopted of calling in the paper currency, which had been successively issued by the government of the Dutch East India Company and by the British government (the last of which had been duly accounted for), and a new paper currency was issued to the full amount; by this the obligations contracted under successive loans were blended in one general recognition of the Batavian government, but without any declaration of its engagement to redeem the debt, or to repay the notes at any fixed rate.

After the capture of the colony in 1806, it became apparent to the government that the resources of the bank had been diverted from the object to which it had been destined at the period of its foundation; and as considerable distress was alleged to prevail in the community in 1807, an inquiry was directed into the operations of the bank, with a view to correct the abuses of the establishment, and to ascertain the means of rendering it in future available for the encouragement of industry and trade.

It was considered that a practice had prevailed of affording accommodation to persons who availed themselves of the low rate of interest to derive a profit from the employment of their own capital at a higher rate, by lending to those who had occasion for temporary accommodations; and as the renewal of these bank loans was obtained with facility by such persons, the capital of the bank had become absorbed, and diverted from the original objects of the institution. In the report of the committee that was made to government in January 1808, several important points were brought forward in the history of the establishment, accompanied with suggestions for its future management, and especially as to the means of redeeming its funds, which were absorbed in *permanent* loans, and of applying them to the relief of the inhabitants by extending the accommodations for short periods.

It was observed by the committee, that so entirely had the regulations been lost sight of, that loans had been perpetuated to individuals without even the form of renewal ; that additional loans had been subsequently obtained by parties on their property originally mortgaged to the bank, and upon the assumed increase in the value of such property during the interval.

The practice that continues to prevail at this day, in respect to the loans from the funds of the reformed church, many of which have been outstanding for the last thirty or forty years, sufficiently evinces the disposition of the colonists to perpetuate mortgages upon their fixed property ; a means by which they have been enabled to transfer their houses and lands to persons possessed of very little capital, and to render their own capital productive, by employing it either in agriculture or trade, or in lending it to those who required temporary accommodation.

It was admitted that the regulations of the bank had been infringed by the commissioners ; applications for loans had been rejected without any satisfactory reasons being assigned, while renewals were granted in some cases, and funds allowed to remain in the possession of individuals, without even this form being observed.

The commerce of the colony being in the hands of private merchants, the temporary accommodation of discounts on their bills and acceptances was required ; and it appears that the demand for this species of accommodation has led to extensive transactions by the vendue departments, in which all sales were conducted ; and the privilege it possessed, and the credit of the government which it employed, enabled it to discount the bills of auction sales at ten per cent per annum.

To relieve the community from this heavy exaction, and from the exorbitant premiums demanded by those who engrossed the capital of the bank, it was proposed by the committee that the whole of that capital should be gradually redeemed, and that 500,000 rixdollars should constitute a fund to be specially employed in affording the accommodation of discount for short periods.

With a view to prevent the inconvenience that might result from redeeming the entire capital of the bank lent out on mortgages, it was proposed by the committee, that the remainin-

portion of the capital (310,255 rixdollars) should be reissued to "persons who have not previously derived benefit from loans, or who were evidently in want of support to carry on agricultural improvements."

As an immediate resource to enable the bank to afford the accommodation required, it was suggested that the several receivers of revenue should be required to make deposits with the bank, as well as the orphan and insolvent chambers, of their unappropriated funds.

It was the opinion of the committee "that the paper currency then \* in circulation, amounting to two millions of rixdollars and upwards, was fully adequate for all the purposes of commerce, as well as internal improvements ;" but they appear to have been influenced by a belief that the absorption of the capital of the bank in protracted loans had checked the active circulation of the currency, which it was their object to restore. It appears however to have escaped their consideration, that it was already in active circulation by means of the usurious transactions which it was their desire (and very properly) to supersede ; and that not being exchangeable at the pleasure of the holder, nor referable to any standard value, there was no means of regulating the amount held in circulation by the fluctuating demands of the public.

It was further recommended by the committee, that the bank should receive deposits, and allow interest at five per cent per annum upon all sums above 1,000 rixdollars that were lodged for a period not less than three months. The bank was to discount at six per cent, and the interest on all loans to be raised to that rate.

It was further proposed by the committee, that the president of the bank should be permanently appointed, and the whole establishment paid by fixed salaries ; the entire profits of the bank and all fees being carried to the credit of government.

We have referred thus particularly to the recommendations of this committee, as they tend to elucidate the measures that were subsequently adopted.

It did not appear to the government advisable to call in the capitals that had been lent out upon mortgages for long periods, but provision was made for their gradual redemption, by

\* January 1808.

instalments of ten per cent per annum upon the loans in Cape Town, and six per cent upon those in the country ; the first instalments being payable after the expiration of two years, by which the loans in Cape Town would be redeemed in twelve years, and those in the country in nineteen years. It was, however, directed that twenty per cent of the outstanding capital should be called in upon the transfer of any mortgage taking place. ¶

In order to provide for the early accommodation of the public, a further advance of 150,000 rixdollars was made to the bank to constitute a fund from which loans for short periods were to be made, in sums not exceeding 5,000 rixdollars, and for terms varying from two to six months.

The formation of a discount bank was postponed, but in the course of the same year (1808) it was established, and its operations commenced by means of the deposits of the receivers of revenue, and the annual deposits, on interest, which individuals were encouraged to make, of sums not less than 1,000 rixdollars.

The bank was authorized from these sources to discount at six per cent per annum the vendue rolls, hitherto discounted by the vendue department at ten per cent, and private bonds called "kustings."

The demand for these accommodations not being equal to the amount of the deposits, the directors of the bank at their own discretion employed the surplus in short loans, and subsequently an extension of the discounts to private bills and promissory notes was sanctioned. In order to facilitate these transactions, the cashier of the discount bank was allowed to be entrusted by the directors with as much currency as might be required to meet the daily demands upon the establishment.

Upon these measures we have generally to observe, that if it may have been inexpedient before the cession of the colony to make any considerable change in a system by which the government was exclusively engaged in transactions of the nature that we have described, and which had its origin in the circumstance of the colony having been established under the Dutch East India Company, it was at all events of great importance to check the abuses which had obtained, and to restore or to reform the regulations that had been infringed or misapplied. As the

object of the establishment of the loan bank has been the encouragement of trade and agriculture, both of which by the decline of the Dutch East India Company had ceased to depend exclusively on its resources, it was an obvious departure from these views, as well as from the regulations of the bank, to perpetuate loans upon mortgage which were not directly employed in improving the resources of the colony, or in giving effect to industrious enterprise ; and the usurious transactions complained of may be considered to have been extended by the improper application of the resources of the bank. The proposal, therefore, to revert to the system of lending for short periods to those who were engaged in agriculture, who had fixed property to offer as security, and who were not possessed of capital absorbed in loans on mortgage at high interest, was unquestionably sound and judicious ; nor does it appear that the government was bound to consult the convenience of those who had for a series of years profited from the resources of government, through the facilities afforded by the bank, and who had lent their own capitals at higher rates of interest than the bank demanded from them. To have required such persons to refund the advances by redeeming their own loans, and to have afforded accommodation for short periods to parties whose property was involved in private mortgages, was an obvious measure of justice and expediency.

The application of the funds thus redeemed, in forming a capital for a bank of discount, was also a measure that would not have been objectionable in the circumstances of the colony, being a means of providing those facilities to persons engaged in trade, which the short loans were calculated to afford to the agriculturists, and as it was also very desirable to arrest the transactions of the vendue department, in discounting their bills of sales at an exorbitant rate of interest.

The measure adopted by the government of augmenting the capital of the bank by advancing 150,000 rixdollars of colonial paper currency from the treasury, was intended to afford the required accommodation, and to obviate any sudden or peremptory demands upon the persons by whom the capital of the bank had been absorbed.

The subsequent measure of establishing the discount bank, without appropriating any part of these funds to the formation

of a capital, involved the government in extended transactions of a nature that could be submitted to no efficient control, and although a source of considerable profit, exposed it to the risk of embarrassment in the event of the deposits on which it depended being suddenly withdrawn. The interest allowed on sums deposited for a year afforded the best security for the continuance of those deposits, by holding out an inducement to annuitants to place their funds in the bank, and to be content with a smaller income in consideration of the greater security afforded by a public establishment, and the punctual discharge of its engagements.

The management of the loan bank does not appear to have undergone any material change in consequence of these measures, except in the extension of its transactions by means of the new fund placed at its disposal, and as both banks were placed under the same direction, and as the office of president was united with that of receiver-general, a system of accommodation was introduced between the colonial treasury and the banks, which was at variance with the regulations of both departments, and augmented the risk attending the transactions of the discount bank.

The same causes which led to the distresses before complained of being still in operation, an apparent deficiency in the means of the bank to relieve the productive classes was again alleged, and it was considered advisable to have recourse to the measure of creating 1,000,000 of rixdollars, in addition to the paper currency already in circulation ; 500,000 to be added to the capital of the loan bank, to enable it to afford additional loans to individuals, and 500,000 to constitute a separate fund for the execution of such public works as were considered to be necessary. The formation of the latter fund was postponed, but in the year 1810, 500,000 rixdollars were created and made over to the Lombard bank to be issued on loans at six per cent to individuals, in sums not exceeding 10,000 rixdollars to one person.

It is just to observe, that an important measure of general improvement in Cape Town was connected with this issue of paper currency, by affording accommodation to the inhabitants, and thus enabling them to remove the thatched roofs from their dwelling-houses, which had exposed them to the danger of

frequent accidents from fire, and to substitute flat roofs, bearing a thick course of plaster, which have equally tended to the security and the embellishment of the town.

By this advance the capital of the loan bank was raised to 1,310,255 rixdollars, which constituted what was called the "Long Loan Fund," while the short loan fund amounted to 175,000 rixdollars; a further instalment of 25,000 rixdollars having been added to it in October 1808.

From a report that was made by the president of the bank to the governor in December 1811, it appeared that the accommodations of the loan bank had been even further extended; the limitation of the discounts to vendue rolls, and to kustings or registered bonds, having induced the directors to exercise a discretion in applying a part of the deposits in aid of the short loan fund, which was not required for discounts. The deposits of the public departments were stated to amount to 175,000 rixdollars, and those of annuitants for twelve months certain, to 157,000 rixdollars, to which a large addition of casual or mercantile deposits had been made. The sums outstanding in discounts were stated to amount to 123,000 rixdollars, and the sums issued in short loans to 225,000 rixdollars, or 50,000 rixdollars beyond the total amount of the short loan fund. It was proposed by the president, and acceded to by the governor (Sir John Cradock), to extend the discounts to private bills and promissory notes, in sums not exceeding 5,000 rixdollars, unless with the sanction of the governor.

By this extension the whole amount of the public and private deposits was absorbed in discounts in the year 1812. In the same year the attention of the governor was drawn by the colonial secretary to the extent of these transactions; and in a correspondence that ensued, some further explanations were afforded as to the nature and tendency of the institution, and the circumstances of the colony at that period.

The persons engaged in the trade of the colony appear to have been very limited in number, but the operations of the bank had certainly tended to afford facilities to the agriculturist as well as to the merchant; and during their continuance, gave an appearance of prosperity which has been productive of the effects that we have already noticed in our observations upon the revenue of customs. The affluence of the inhabitants, their

style of living, the increase and elegance of the buildings, were referred to by the president as proofs of the encouragement that the bank had afforded to trade, as the increase of cultivation attested the support it had given to agriculture. It was, however, justly observed by the president, that the operations of the loan bank were not calculated to afford that prompt assistance which the circumstances of the community required ; but as the government had been induced to extend the transactions of that bank, rather than to restrict them, and to sanction the issue of its large capital in loans for twelve and twenty years, and which in practice continued to be renewable for further periods, it cannot be considered to have been prudent to involve the government in responsibility for a new class of transactions, without redeeming and appropriating any part of that capital to the support of them.

The governor appears at first to have been impressed with these apprehensions, from the inquiries that he instituted, but he finally determined to adhere to the system that had been commenced by his predecessor (Lord Caledon), although he continued to entertain doubts of the safety of extending the operations of the discount bank upon the security of casual deposits, and even of annual deposits on interest at five per cent.

At the end of the year 1812 the sum of 100,000 rixdollars was repaid from the short loan fund to the colonial treasury, thus leaving the sum of 75,000 rixdollars as the total amount of that fund.

From the year 1807 the revenue derived by government from the banks had been considerable ; that of the loan bank consisting of six per cent per annum on the amount of the loans, together with some inconsiderable fees, increased from 25,765 rixdollars paid to government in 1807, to 83,689 rixdollars paid in 1812.

The profits arising from discounts, which in the year 1808 amounted to 3,478 rixdollars, increased in 1812 to 18,759 rixdollars, and in 1814 to 37,427 rixdollars, after deducting the amount of interest paid on deposits.

In the years 1812, 1813 and 1814, the sum of 500,000 rixdollars, created for the execution of public works, was issued to the bank in five instalments, and was immediately applied

to the various objects that are detailed in the abstract statement that we have prepared from the returns of the bank.

The removal of the public offices from the Castle, and the erection of new offices, with a court of justice and public library, and the construction of reservoirs and laying down water-pipes, constituted the principal improvements in Cape Town, to which have subsequently been added advances from the fund in aid of the erection of a commercial exchange, of the purchase of a town granary, (formerly the custom-house), and of the purchase of an hospital for the town.

In the districts the advances from this fund have been applied to the opening of passes, the erection of churches and civil buildings, and subsequently to the purchase of lands and buildings for the establishment of new drostdies, or seats of magistracy.

Except in the erection of the public offices at Cape Town, these advances have been made a charge upon the town and districts, to be repaid from the local taxes ; and interest at six per cent has been charged upon the several sums, with the exception of those advanced for the water works.

The sums originally advanced and subsequently re-issued, amount to 624,551 rixdollars, of which 315,719 rixdollars have been repaid on account of principal and interest ; and by allowing the amount of interest that has been paid, and that has retarded the redemption of the principal to be carried to the credit of "capital repaid," a sum of 321,165 rixdollars is still due to the fund.

Besides these advances from the bank, considerable sums were issued from the colonial treasury to effect the purchase of buildings, or the execution of works, which we shall have occasion to notice in the sequel of our Report.

Soon after the succession of Lord Charles Somerset to the government in 1814, the affairs of the bank engaged his attention, and in June of that year his Lordship directed the colonial secretary to address a letter to the president, in which he noticed that an interest of five per cent was payable upon a sum of 673,000 rixdollars, which was at that time deposited in the bank, and employed in discounts ; his Lordship directed that this interest should cease to be paid, anticipating at the same time that the security which the bank afforded would still

operate as an inducement with the public to deposit their funds. By this arrangement the deduction occasioned by the payment of interest on annual deposits was added to the profits of the establishment, without affecting the amount of the deposits in subsequent years. On the other hand it is stated by the president, who retired from that office upon the adoption of this measure, that the persons who were in the receipt of interest upon annual deposits were generally of a class of annuitants who were satisfied with the means they thus securely derived from their funds, and that the large sums which did not bear interest, and were liable to be suddenly withdrawn, were chiefly deposited by persons engaged in trade.

The aggregate deposits in the discount bank at this period amounted to 1,268, 543 rixdollars, and of this sum only 223,746 rixdollars were in the chest ; the remainder having been issued in discounts upon the security of bills and bonds.

It also appears, that though the discounts had been restricted by the regulations to one-third of the amount of deposits, the president had been allowed to exercise his discretion in extending the discounts to so large a proportion as three-fourths of the amount.

On the appointment of a new president of the bank, the office of receiver-general was again separated from it.

The transactions of the discount bank having been extended in subsequent years, and the loans of the Lombard bank having been unrestricted, the revenue derived from these establishments had been very considerable. The interest upon loans had increased to 93,730 rixdollars in the year 1824, and the profits upon discounts in the same year to 47,251 rixdollars, making the revenue derivable from these sources, 140,000 rixdollars per annum. On the other hand the depreciation in the colonial currency, of which the capital of the bank has wholly consisted, has diminished the value of this as well as of other branches of revenue.

It does not appear that any material change was made in the management of the banks subsequent to the year 1814. The system of renewing loans was continued to a late period, and the regulations for their repayment by instalments were but imperfectly observed. The Lombard bank was made the medium of issuing additional loans to individuals who had

suffered from the failure of the harvest in 1822, out of funds advanced for that purpose by the colonial government. Two hundred thousand rixdollars were issued in this manner, besides the loans made through the district boards, from the paper currency created in the same year, for the relief of individuals who had suffered losses from the storm, amounting to 200,000 rixdollars.

The transactions of the discount bank have been much extended, although the deposits have been more casual and uncertain than when an interest was allowed. In the years 1823, 1824, and 1825, the average annual amount of private bills and vendue acceptances discounted by the bank was 3,299,182 rixdollars.

The president of the bank has been conscious of the precarious nature of the resources from which these discounts have been afforded, and he has estimated the amount of private deposits in 1824 at 1,500,000 rixdollars; and the aggregate amount of sums received at the discount bank within the year, at 15,000,000 rixdollars.

The agent of the East India Company having in that year (1824) intimated an intention of withdrawing the considerable balance of the company, derived from the profits of its tea trade, it was proposed by the president, and acceded to by the government, to allow an interest of four per cent per annum on a sum of 200,000 rixdollars, being about one half of the amount then held in deposit, for six months certain. It is admitted, that if this sum had been withdrawn the bank would have been exposed to considerable inconvenience. It is also admitted by the president, that the instruction for restricting the discounts to one-third of the amount deposited had never been observed, and that they had at no time been less in amount than two-thirds of the deposits.

One of the directors of the bank has stated, that since the year 1817 the discounts have been in the proportion of four to one with the sums held in deposit. As the governor was aware of this fact, from the monthly statements furnished to him, the president had always concluded that the practice was not considered as objectionable; he has added, that his personal communications with the governor and the colonial secretary have been constant, although he has not considered that any verbal

local in character in judicial practice we cannot conceive the administration of justice to be conducted with security if the public law were ignored. It is true that the most important functionaries in the colony are bound by the strictest secrecy in the discharge of their duty; but the annual expenses in the carrying out of the public law are not so great as to render it necessary to have a public fund created for only to meet the expense of some intervention in the criminal law, but also to facilitate the transaction of the business of the legislative chamber, and the several tribunals and executive institutions, from the moment the parties interested in which they are absorbed. The same is not the case however as far as to be called in upon a man to give his services gratis : but it is unnecessary to explain, that in the present circumstances of the colony these services would be readily effected, when considerable sums are required to meet the demands of claimants. The officers of the treasury chamber have also been admitted to hold an interest in the banks, both as principals and securities, and under circumstances which (we are bound to state) are very obnoxious.

The extreme avidity with which the disposable funds of any institution are absorbed in loans, we apprehend, is attributable to the same causes that were formerly in operation, and which have from time to time induced the colonial government to resort to the questionable expedient of adding to the capital of the bank by augmenting the amount of colonial paper currency, and without rendering it convertible, or regulating its value by any known standard. The nominal value of the rixdollar at four shillings sterling was adhered to, while in exchange on England it had depreciated to 1s. 6d. sterling. The issues having been increased to 3,000,000 of rixdollars, on a general impression of the necessity of satisfying the demands of the community for available funds ; it has been maintained that this sum was not in excess, with reference to the extent of the transactions of which this currency was alone the medium. On the other hand it was apparent, that the demands for remittance, and the competition for the purchase of bills of exchange, had operated to depreciate the paper in proportion to the premium that was paid by the merchants who redeemed it in the price of their goods ; and although this depreciation was less apparent in the internal transactions of the colony, there could be no real

distinction in the relative value of the currency in the internal and external transactions of the colony, as the products of the country were themselves disposable in the same markets with the goods imported, and at nominal prices, fluctuating with the value of the currency as determined by the premium upon bills of exchange.

The nominal prices of the articles of export may have been less variable, on account of the reduced value of produce on the failure of the demands occasioned by the war, and by the maintenance of a garrison at Saint Helena, the depreciation of the paper being thus simultaneous with the diminished value of produce.

It is admitted that the transactions of the banks, and the circulation of the paper currency, have not extended much beyond the neighbourhood of the Cape district, as indeed the deposits in the discount bank have alone amounted to half the amount of paper currency that has been issued. It would also appear that very few of the Dutch capitalists have opened accounts with the discount bank, however extensively they may have participated in the accommodations afforded by it, and by the loan bank.

The transactions of the colonists in the remoter districts, which chiefly furnish supplies of cattle and other stock, are regulated either by barter, or by means of the bills which are passed by the licensed butchers in Cape Town in payment of these supplies ; these bills, which have been made recoverable by "*parata executio*," have even been accepted at the district treasuries as a medium for the remittance of the revenue to Cape Town.

In the retail trade of the country carried on by hawkers, and in the payment of the wages of Hottentot servants, barter has been chiefly resorted to.

We have already had occasion to notice to your Lordship, that the demands for loans in the year 1822 did not extend beyond the districts in the immediate neighbourhood of Cape Town, and the damages sustained by the inhabitants from the storms, even in the district of Tulbagh, were repaired from their own resources. These resources have been occasionally available in the execution of public works in the district. The contribution of labour and materials was formerly a mode by

which some of the public works were executed ; and although in later times some considerable advances have been made to the districts from the fund created in 1812 for the erection of public works, those works have in some instances been executed from local resources.

The accommodations afforded by the bank to individuals, and the loans of paper currency from the treasury, having been for the most part limited to Cape Town and its neighbourhood, any attempt to compensate the losses which had resulted from the extent of those issues would have been severely felt by the colonists in those parts of the colony which have been in a great degree excluded from participating in these accommodations, and in which very little commercial capital exists, while the merchants of Cape Town would have acquired an increase of value upon their deposits of paper currency, even in cases where a commercial profit had already been derived, and had amply compensated them for any losses from the depreciation. The funds deposited in the discount bank by the East India Company's agent may be adduced as a prominent illustration of this last remark, as a sum of 400,000 rixdollars had thus been accumulated from the profits of a trade in tea, retailed to the colonists at exorbitant monopoly prices.

That fixed property has declined in value must be attributed to other causes than the depreciation of the paper currency, the excessive issue of which might have been expected to raise the nominal prices estimated in rixdollars.

We have already explained to your Lordship our sentiments on the nature of the pledges of the British Government for the colonial paper currency, and of the security upon which it was considered to depend by the capitulation. We shall therefore confine our observations in this place to the measures which we think it will be necessary to pursue, in order to give effect to the decision of His Majesty's Government, by which the further depreciation of the currency, and the ruinous fluctuations of exchange, were for the future prevented.

As these measures are in some degree connected with the consideration of the future establishment of the banks, through whose agency the circulation has been chiefly promoted, and which hold the securities for the loans, it will be desirable to advert to them together, and to notice, at the same time, the

extent and appropriation of the various funds that have been hitherto under the administration of boards, or public establishments, and the means that may be found of simplifying the transactions in which the colonial government has been directly or indirectly engaged.

According to the principles upon which the banks have been established, and the transactions in which they have been so extensively concerned, we are by no means of opinion that it would be expedient, or even safe, for His Majesty's Government to sanction the continuance of them upon their present footing. At the same time it is satisfactory to reflect, that although the regulations, which were framed with a view to diminish the hazard of such transactions in the hands of a department of the government, have been frequently neglected, no material loss is likely to be sustained by the government, except from the repayment of the loans in a medium that has so much depreciated since the period at which they were issued. This loss government will sustain in common with individual capitalists, and more particularly mortgagees and annuitants, who are entitled to the first consideration in any arrangements that may be adopted ; for the depreciation in the value of *real* property must be attributed to other causes.

The extent to which the government has been involved by these concerns precludes the expectation that it could now withdraw from all participation in the banking transactions which it has hitherto exclusively conducted ; but independently of this consideration, the transactions which properly appertained to the government bear so large a proportion to the general transactions of the colony, that any bank established upon private resources alone, and acting independently, would be subject to the influence of those transactions, which would unavoidably tend to embarrass its operations, unless conducted through the medium of such an establishment. The perpetual dependence of the Dutch colonists upon the government of the East India Company, in the various relations of agriculture and trade, have been partially relieved by the encouragement of private speculations ; but the extent to which the accommodations of the bank have been carried, and the system of renewing and perpetuating loans, have tended to foster that dependence which it would be impracticable abruptly to super-

sede. The accommodations that have been afforded by the discount banks have augmented in late years the dependence of the public upon the credit of the government ; and it is observable, that whilst the colonial government has engaged so extensively in transactions of this nature, it has not so generally availed itself of the assistance that such establishments might have afforded in the management of large funds entrusted to separate boards, for which it has been directly or collaterally responsible. To some extent, however, the banks have afforded a means of secure deposit for monies appertaining to the public, and have been intrusted with the management of the accounts of certain funds ; and it would have tended to simplify the various transactions of the government if this practice had been more generally adopted.

Considering that it would be impracticable and inexpedient wholly to suspend the operations of the loan and discount banks, our attention has been directed to the measures that it may be desirable to adopt, in order to preserve to the public the benefits which they are calculated to afford, without compromising the interests of the government, or hazarding the security of the establishment.

In the consideration of this subject we have been led to advert to the principles upon which a bank was established in Bengal in the year 1806, under the protection of the government, and in the advantages of which it participated to a certain extent in common with the public. The success that has attended that institution, under the regulations that were framed and incorporated in a charter, and the subsequent enlargement of its transactions, are at once a proof of the benefits that the government and the public have derived from it.

The plan of this bank appears to have comprehended the objects that were contemplated by the government of this colony in establishing the loan and discount banks, namely, granting loans for short periods on good security, and discounting bills of exchange. The general regulations that were proposed, and subsequently adopted, were of a nature to afford to the public the guarantee of that security which the government of this colony has hitherto afforded, and at the same time to engage the interest and the co-operation of the public in

the support of an establishment in the advantages of which they were invited to participate. Keeping in view the regulations of this bank, to which we beg to refer, and to those of the Lombard and discount banks which we have already explained, we shall occasionally revert to the provisions of both, in submitting the arrangements that we have to propose.

With a view to afford to annuitants a means of securely investing their funds in a manner that would be acceptable to them, we have already had the honour to propose to your Lordship that debentures should be allowed to be issued by the colonial government to the extent of £50,000 sterling, and as these securities will be acceptable to mortgagees and annuitants rather than to capitalists engaged in trade, the accommodation will be held out to those who have suffered from the depreciation of the currency, and who are exposed to the inconvenience attendant on the uncertain payment of the interest on private mortgages. We think, however, that as the colonial government has hitherto enjoyed a revenue from the creation and issue in private loans of inconvertible paper currency, and as from the terms of these loans they are repayable by instalments in twelve and nineteen years, it will be equally expedient and just to issue debentures, bearing interest to an amount equivalent to the paper currency absorbed in private loans, and to apply the interest received upon the loans to the payment of the interest on the debentures.

In this view we recommend to your Lordship to sanction the issue of debentures to the amount of one hundred thousand pounds sterling, bearing interest at six per cent per annum, payable in the colony, and for sums not less than £100 sterling, exchangeable for paper currency at one shilling and sixpence per rixdollar, or thirteen rixdollars two skillings four stivers per pound sterling.

In order to render these debentures more extensively negotiable, an interest at four per cent per annum may be made payable on them in England, at the option of the holder.

With a view to promote the objects connected with the establishment of a bank, and upon the principles to which we have adverted, we recommend that a charter of incorporation be granted for a bank to be established in Cape Town for a

term of ten years, and upon a capital to be subscribed of £100,000 sterling, to be divided into five hundred shares of £200 each; of these we recommend that government should take two hundred shares, and that the remaining three hundred shares should be subscribed by individuals; one half of the government shares should be subscribed in debentures, and the other half in British silver and copper money; and the shares of individuals might be receivable in colonial paper currency, the paper currency being immediately exchangeable at the treasury for British silver and copper money, and for debentures, in the proportions above mentioned of one half in each.

By this measure the capital of the bank would consist of government securities, bearing interest, and negotiable to the amount of £50,000, and of British silver and copper currency to the same amount; and the bank should be empowered to issue on loans, and discounts its own notes, payable on demand to the extent of two thirds of its capital; these notes not to exceed the nominal amount of £50 and not to be less than £1 sterling.

The loans of the bank should be repayable in six months, and an interest of six per cent per annum chargeable upon them. The bank should not be allowed to grant any new loans when the cash in hand does not amount to one third of the amount of notes and other claims outstanding and payable on demand. Loans should not be renewable, but should be punctually repaid when due.

The bank should not charge at a higher rate of interest than six per cent per annum, and should not advance on loan to government at any one time more than £10,000, nor to an individual more than £2,000.

The bank may be allowed to sell the government securities subscribed, and may purchase government securities at any time; provided that the debentures in their possession (exclusive of any paper that may be deposited) never exceed at any one time the proportion of £50,000 originally subscribed in debentures. The bank should be restricted from contracting debts by bond, bill, note or otherwise, to an amount exceeding £100,000, the original stock.

Bullion and jewels may be received in deposit at the bank, but as being attended with trouble and risk, and tending to

involve the bank in litigation, they should not be accepted as security for loans.

The bank should receive deposits of cash, and keep running accounts with individuals ; but it should make no advances on such accounts without security (such as government debentures) to an amount at least equal to the loan.

The bank should be entirely restricted from engaging in trade directly or indirectly, and the directors and officers should be subject to the same restriction, and prohibited from acting as agents or brokers.

The bank should be charged with the recovery of the long and short loans of the Lombard bank on mortgage to individuals, and should require the punctual discharge of the interest and the instalments of the principal, according to the conditions of the loans ; and all loans that have been negotiated to individuals through the district boards should be also recoverable by the bank, with whom the mortgages and securities should be lodged, and the whole incorporated in one general account of the outstanding claims of the colonial government. The punctual repayment of such loans should be strictly enforced in the instance of all persons who have themselves lent out capitals on securities, and who are receiving interest on such loans.

A monthly account should be furnished by the bank to the colonial government of all sums received in repayment of loans ; and a quarterly report should be made to your Lordship of the state of the account, specifying the amount repaid, and the amount still outstanding.

The bank should apply the interest of outstanding loans to the payment of interest on government debentures, whether payable in the colony or in England. To facilitate these transactions, we recommend that the interest of four per cent should be payable by the colonial agent in England, and that the bank should open an account with him, and give him credit for the amount of all dividends so paid.

We further recommend that the bank should keep a public account, in which the interest of all outstanding loans, and the profits arising on the government shares in the bank, should be credited, and in which the interest on government debentures and upon the advances of the British treasury should be debited.

In other words, the circulation of British silver money is to be left to the discretion of the Bank, and it is the first important object that the system of exchange is to be cancelled. It will be seen that there will then be smaller denominations, which I shall propose either in coinage or in paper ; and this is that, to regulate the circulation of small sums of one or two shillings and downwards, these sums should be receivable at all bankers' and pawnbrokers' and post office accounts, & payment is to be made by them.

The next thing we will submit, and proceed of preparing now, is to see if the government bank currency is liable to such depreciation as would make it desirable to provide for the redemption of the smaller notes by the cancellation of coins under the following names and denominations against frauds, for such part of the sum as may remain for any time unredeemed.

The details of the plan necessary that we shall transmit, have been prepared by the friends of the receiver-general's plan. But as the numbers of the notes are not registered, and as they are received by the bank and by the post office in a state of defaced and mutilated, that it is difficult at times to determine the nominal value, and as they are only exchanged for new notes which is such a confusion that it is no longer practicable to regulate them, we recommend that on the one hand considerable loss has late been sustained by the holders of small notes, and on the other that forgeries have been practised to some extent by counterfeiting the notes, and that it has been found practicable by fraudulent persons to pass the notes of inferior for those of higher nominal value ; such frauds have been sometimes detected, and as the notes are formed of cartoon, it often happens that they circulate in separate payments, or are united in a manner to obliterate the signatures and numbers.

The plan we propose is, to provide for the progressive destruction of the notes, beginning with some of the inferior denominations ; and as in this case we have recommended forthwith redeeming and cancel at once all those of five shillings and less, and those of five shillings and less, and those of five shillings and less,

should recommend that until finally withdrawn from circulation they should cease to be re-issued either by the treasury, by the bank, or by the commissariat department, but should be immediately exchanged at the treasury for new notes, prepared upon thin paper, and which should be duly entered in a register specifying their numbers, dates, and the signatures of the officers of government severally attached to them. These new notes should also be declared to be exchangeable for government debentures bearing interest at six per cent per annum, and to be redeemable at one shilling and six pence sterling per rixdollar ; the latter condition being specified in the margin.

We recommend that the bank should be made the depository of the credits of the orphan chamber, and that it should receive the interest upon the outstanding loans of that establishment, according to such instructions as might be given by the board of orphan masters. As a part of the capital of the orphan chamber constitutes what is called the "*private fund*" of that establishment, amounting to rixdollars 446,817 5 3, or £33,511 6s. 6d. sterling, arising from the principal and interest accumulated upon the estates of unknown heirs, and from the other sources to which we have alluded in a former Report, we recommend that it be allowed in future to constitute a fund for the execution of some works of public utility, which will be acceptable to the colonists, and which we propose to bring under your Lordship's consideration. From this fund advances amounting to £6,127 10s. sterling have already been made at different times upon the orders of the colonial government in aid of various public buildings devoted to religious, charitable, and literary purposes.

We recommend that the bank should further be entrusted with the recovery of the loans on mortgage that have been advanced from the funds of the bible and school commission. These funds, which have been raised for the establishment of schools and the dissemination of religious instruction, amount to £3,586 5s. sterling, and when recovered, should be applied by the commissioners appointed by government for their management, to the objects for which they were intended.

We have finally to propose, that the loans on mortgage and bonds that have been advanced from the church funds in Cape

Town, and in the country districts which are under the administration of the several consistories, should be redeemed through the bank. The loans from the funds of the reformed church in Cape Town amount to £16,387 10s. sterling. In the country districts, the debts of the several churches amount to £8,718 4d., and their credits to £1,383 19s. 11d. The settlement of these accounts, and the appropriation of the funds to the objects for which they were intended, we shall have the honour to explain hereafter.

We propose that the bank in Cape Town should open an account current with the colonial agent in England, and that his pecuniary transactions with the colony should be conducted through this medium, and that the payment of the interest upon all advances from His Majesty's treasury should be effected through the same medium.

In aid of the objects that we have had the honour to propose to the consideration of your Lordship, in which the redemption of the paper currency will be comprehended, we recommend that British silver and copper currency be sent from England and placed at the disposal of the colonial government, to the extent of £65,000 sterling ; of which £13,000 should be in gold, £50,000 in silver, and £2,000 in copper, chiefly in halfpence and farthings, which are much required in the colony ; and that the colonial government should be empowered to draw upon His Majesty's treasury from time to time to the extent of a further sum of £35,000 sterling, to aid the redemption of the paper currency.

We further recommend that the claim of the British treasury upon the colony for the repayment of the sum of £35,097 10s. 7d. advanced for the relief of the inhabitants who had suffered from the storm in 1822, should be cancelled, and that it should be considered as a further payment by His Majesty's government towards the redemption of the paper currency ; and lastly, that the whole of the sums we have enumerated, amounting to £135,097, may be paid or credited by the British treasury, without any charge of interest to the colony.

As the bank will continue as heretofore to be the depository of all monies collected on account of the revenues of the colony, and will receive the instalments paid in on account of the various

loans, with the collection of which it may be entrusted, the gradual redemption of the paper currency through the medium of this establishment will tend greatly to facilitate its own transactions, in the success of which the government and the public will be interested. It will only be necessary therefore to provide, that in the quarterly reports to be made to your Lordship, should be specified the number and the nature of all currency notes successively paid over by the bank and cancelled at the treasury ; and after the issue from the colonial treasury of the sum that we have proposed to be sent out in specie, it may be left to the bank to regulate its further importations of metallic currency by the extent of its own engagements.

As we have proposed that a portion of the sum afforded for the redemption of the paper currency, amounting to £40,000, should be subscribed by the colonial government towards the formation of a capital for the bank, this sum, or 533,333 rix-dollars of colonial currency, will thus remain in circulation.

The government shares in the bank should be considered as pledged to the redemption of it at the expiration of the charter (ten years) ; and if it should be found expedient to withdraw this remaining portion from circulation at an earlier period, we recommend a further issue of debentures to the amount of 40,000 for the term of the bank charter that may be then unexpired, and the interest to be defrayed from the dividends on the government shares in the bank.

Having detailed to your Lordship the functions of the proposed bank, in its relations to the government and to the community, it only remains for us to explain the nature of the establishment by which it will require to be conducted.

The affairs of the bank, established on the principles we have proposed, should be superintended by the body of proprietors at large, and immediately intrusted to a court of directors, nine in number, three of whom to be nominated by the government, and six by the other proprietors. The directors should be sworn before the governor to a faithful discharge of their duties, and of the trust reposed in them. The six directors appointed by the proprietors to be elected by ballot at a general meeting, and no person to be eligible to a seat in the direction who does not possess at least one bank share. The directors

appointed by government to be an exception to this rule. We recommend that all naturalized subjects of His Majesty resident in the colony, or holding landed property, should be eligible as directors.

Two of the directors elected by the proprietors should retire annually ; each of the six directors so elected being thus allowed to remain in office during three years ; a director to be re-eligible at the expiration of one year from the date of his retirement.

A director may be dismissed by a majority of votes of proprietors ; but the directors nominated by government should be removable only by the authority that appointed them, but the government should be responsible for its own directors.

We recommend further, that the directors to be nominated by the government should be selected from amongst the principal officers of the civil departments at Cape Town ; that the directors should elect their own president, and appoint a secretary, treasurer, and the other officers of the bank, limiting the expense of the establishment to £1,500 per annum, unless increased with the consent of the proprietors ; two-fifths of this charge, or £600, would be defrayed from the dividends upon the government shares.

It will be required to regulate the number of votes in proportion to the number of shares that each proprietor may hold.

When the general principles upon which the bank may be constituted are confirmed by charter, we recommend that the colonial government should not interfere in the superintendence or management of the institution, further than by the exercise of a general control in maintaining an adherence to the principles of the establishment.

The directors should be empowered, with the concurrence of the proprietors, to make such bye-laws as may not be repugnant to those principles.

As it will be an object of great importance to extend the benefits derivable from such an institution to the eastern province of the colony, the inhabitants of which have participated to so small an extent in the accommodations of the existing banks, we recommend to your Lordship that the charter should contain a provision for the establishment of a branch bank at the seat of government for that province.

This measure we think may be accomplished most conveniently by an augmentation of the capital of the bank at Cape Town. The chief officers of the civil departments in the eastern province should be similarly appointed to be directors, with others to be elected by proprietors ; and the local government should exercise a control, subject, however, to the concurrence of the government of the western province, in the regulations it may propose.

The operations of this bank will afford the same facilities to the government in the eastern province that the other will be calculated to afford in the western province, and it will tend to relieve the inhabitants in the remote parts of the colony from the inconvenience to which they are now exposed by the limited circulation of any currency, and by the substitution of the bills of licensed butchers in Cape Town, or the notes of traders or shopkeepers in the frontier districts to which they have had recourse in the adjustment of various transactions of barter.

The circulation of British silver and copper currency by the eastern bank, will be of great importance in facilitating the traffic with the Caffres and other tribes, at the fairs now and hereafter to be established on the frontier.

It only remains for us to state to your Lordship the charges that are yet to be provided for in settling the account of the colonial government. In submitting this statement it is necessary to explain to your Lordship the nature of certain transactions connected with these accounts, which have grown out of the system on which the finances of the colony have been administered.

Those charges which have arisen out of the creation and issue of paper currency we have already explained. The gradual redemption of the colonial paper currency, by the creation of debentures to the amount of the bank loans, and by funds supplied from the British treasury, including the advance in 1822, will comprehend all these charges ; but there are some other unsettled accounts which it will be necessary to provide for, and which, as they will properly constitute a charge upon the colony to be redeemed from its resources, we shall submit in a separate account from the foregoing.

These charges consist, first, of debts contracted by the

colonial government in the purchase of houses and public buildings, and upon which it is now paying an interest of six per cent per annum ; secondly, of a loan that was contracted with the East India Company's agent ; and thirdly, of advances which the colonial government have received from the commissariat department, in aid of the subsistence of the Cape Corps, and other colonial disbursements. Against these last charges the colonial government has a claim on the British treasury for certain expenses incurred on account of the settlers who emigrated in 1820. From this claim, however, we think it equitable to deduct the amount of revenue derived by the colonial government from the sale of licences to retail wine and spirits in the Albany district.

The balance of these accounts will be found to be £60,682 6s. 1d. ; and if liquidated by an advance from the British treasury, the interest should constitute a charge upon the colonial revenues.

We now proceed to state to your Lordship the appropriation that we recommend of the funds of the orphan chamber, and of the several churches, after shortly explaining the sources from which they have been derived.

The "private fund" of the orphan chamber, which we have already stated to have arisen from the estates of unknown heirs, and from the accumulated interest upon mortgages, is strictly at the disposal of the Crown ; and we respectfully recommend that His Majesty's gracious consent may be obtained for its application to objects connected with the improvement of the colony, and the interests of its inhabitants.

This fund, as we have stated, amounts to £33,511 6s. 6d., of which £6,127 10s. having already been advanced in aid of objects of general utility, we recommend the remaining capital of £27,383 16s. 6d. may be appropriated in the following manner :

The government house in Cape Town, although substantial, being an old building, and the repairs that would be necessary to render it a suitable residence for the governor being unavoidably attended with great expense, we have considered that without any material alteration, it might be converted with great advantage into a public library and museum, attaching and throwing open to the public a portion of the

grounds adjacent to it, to be laid out in a botanical garden.

The situation of the government slave lodge at the upper angle of these gardens, we think, would be extremely well calculated for the site of a new government house, which we think it would be very desirable to erect, both on account of the accommodation that it will be necessary to afford to the governor in a town residence, and also to enable the government to make the appropriation of the old government house to an object that would be acceptable to the colonists.

The government house at Newlands has been so defectively constructed, that we apprehend the repairs of it will be a perpetual source of expense, even if it should not require at some future period to be nearly re-built ; if therefore an opportunity should offer for disposing on reasonable terms of the grounds attached to it, we should be inclined to recommend the sale of them, and the application of the proceeds in aid of the object of purchasing a country residence upon a less extensive scale, and more in proportion to the diminished income of the governor.

If this arrangement should be sanctioned by your Lordship, we think that a sum of £12,000 might be applied from the private fund of the orphan chamber in aid of the expenses, and which together with the sum realised from the sale of the government property at Newlands, we should hope would be sufficient to provide for the erection of a new government house in Cape Town, and for the adaptation of the old one, with the offices attached, to the purposes of a library and museum, for which it is extremely well calculated.

The next appropriation that we recommend of the private fund of the orphan chamber is to the improvement of the courts of justice ; and as the government possesses a share in the present commercial exchange, and as that building from its situation would be well calculated for the courts of justice, we have considered that it would be desirable if the government, with the consent of the other proprietors, were to complete the purchase of the building, and to apply the sum of £5,000 from the private fund of the orphan chamber in aid of this object.

The defective state of the gaol in Cape Town, and its in-

venient and exposed situation adjoining the custom-house, obliges us to recommend that a new gaol in Cape Town be erected, in a situation to be chosen, and that £5,000 be appropriated from the private fund of the orphan chamber to this object, and that the present gaol adjoining the custom-house be either converted into stores for the use of the customs, or otherwise disposed of or sold. The situation (overlooking Table Bay) would, we think, be well situated for a commercial exchange, if the inhabitants should be disposed to apply the building, or a part of it, to this object.

The remaining portion of the private fund of the orphan chamber, after appropriating a further sum of £3,000 to the support of the orphan asylum in Cape Town, we recommend to be applied in aid of a fund that we propose should be established for the erection of churches throughout the colony, and in which certain other funds may possibly be incorporated.

The church funds now invested in mortgages, and which we have recommended to be redeemed through the agency of the colonial bank, have arisen partly from charitable bequests and donations, from collections in the churches, from certain fines and collections that were formerly made on board of Dutch ships during their voyage to the Cape, from fees on burials in ground set apart for Christian inhabitants, from the hire of seats in the church, from fees paid on the emancipation of slaves, and lastly, from a small rate upon lands and building allotments, which has ceased to be levied in Cape Town, but is assessed in those districts where the expense of erecting churches has still to be defrayed. In one of the districts (Uitenhage) certain fees have been collected for the church, upon licences for cutting timber in the forests along the coasts, and for collecting salt in the salt pans.

As these funds have been derived partly from the produce of taxes levied on the inhabitants at large, and which originated at a period when the Dutch reformed church was exclusively tolerated and supported by the government, we have considered that in the present state of the establishments of the colony, an exclusive application of the produce of taxes imposed upon all denominations of Christians to the maintenance of one church, and without allowing any participation to others, would be at variance with the principles on which the British Government

has supported the several communions, and in particular the Dutch reformed church, by defraying the salaries of the clergymen from the revenues of the colony, and maintaining the establishments of each of the churches throughout the districts. The interest of the church fund in Cape Town has been hitherto applied to the support of the poor of the Dutch reformed church, and the collections which are made from the sources we have mentioned have been similarly applied, but without any establishment being formed. A distribution is made amongst indigent persons, and in such sums that we much doubt whether any effectual relief is afforded in many cases, and whether the persons so relieved are in all instances the objects entitled to such assistance. With a view to provide more effectually for the charitable objects for which so considerable a fund has been partly accumulated, we think that after redeeming the mortgages it will be desirable to appropriate a considerable sum to the establishment of an infirmary in Cape Town, for aged and indigent persons, the support of which should afterwards be provided for from the charitable collections in the several churches, from the hire of seats, and funeral and burying ground fees, which may continue to be levied for this object ; and each congregation that participates in the benefit of this establishment for their own poor should apply their church collections in aid of it.

A fund that has been raised for the support of aged prize negroes, and is now in the orphan chamber, may also be applied to this object, and entitle that class to the benefit of admission.

We think that the land contiguous to the "Town Somerset Hospital" would be well calculated from its situation for an infirmary, in which a greater degree of comfort would be secured to the unfortunate class of persons who would be claimants for support, than by the present mode of distribution, and with greater economy of the resources to be applied.

The sum that we should propose to be set apart from the church funds for the erection of an infirmary is £5,000.

We have already stated that the aggregate amount of the church funds in Cape Town and the country districts is £18,346 9s. 11d., and as the dispersion of the descendants of the original colonists may not be considered to invalidate their claim to participate in a fund which was chiefly accumulated in the

early periods of the colony, and as sums have been occasionally granted from this fund in aid of the district churches, we think, that after appropriating the sum of £5,000 for the infirmary, and discharging all the debts of the district churches, except those which are due to the orphan chamber, the balances should be incorporated in one fund, to aid the erection and repairs of churches throughout the colony. These balances, with the addition of £2,383 to be advanced from the private fund of the orphan chamber, would amount to £10,686 9s. 7d.

This fund we recommend to be placed in the hands of trustees selected from the clergymen of the several Protestant churches in the colony : and in the first instance it would be just that an appropriation should be made of a sufficient sum to erect a small church or chapel for that part of the Dutch congregation which cannot be accommodated in the present reformed church in Cape Town, and after providing for this object, that £2,000 be appropriated to the completion of the church at Uitenhage, and that £500 be afforded in every instance in which a sufficient subscription can be raised by the inhabitants of a county or parish, to erect a plain church for their own accommodation.

A church which has been erected at Stellenbosch by the inhabitants, for the religious instruction of the slaves, we think should receive an advance from this fund of £500 in relief of the debt contracted in the undertaking ; and as in many parts of the colony the poverty of the inhabitants may preclude them from providing for the erection of churches and schools, we are of opinion that in such situations the two objects would be desirably united ; and as a means would thus be afforded of providing for the religious instruction of the slaves and free coloured classes, we think that in every case in which a church and school may be erected in the counties, the government should contribute £500 from the revenues of the colony in addition to the advance of £500 from the church fund, and that in all instances of the erection of such churches they should be considered open to the use of the inhabitants of either the Episcopalian or Presbyterian communion, and that a salary for a clergyman should be granted by the government.

In support of the church fund we have already recommended that the rate which has hitherto been assessed in certain districts, of three shillings and three pence per annum on each building

allotment or "erf ;" and of six shillings and sixpence upon each farm or place held in quit rent or on lease, should be levied throughout the colony, on a scale proportioned to the extent of the farm or building allotment. This tax, which we estimated at £626 per annum, and which will be increased by the occupation of new lands and allotments, we recommend to be paid over to the trustees of the fund to provide for the erection and repairs of churches.

We think that the churches which are more particularly required by the English and Scotch inhabitants of Cape Town and Simon's Town should be erected by means of subscriptions amongst themselves, and by such contributions from England as it may please His Majesty's Government to afford.

The bible and school fund entrusted to a commission appointed by the colonial government, will afford assistance to the objects contemplated in the erection of churches and schools ; and the redemption of the mortgages in which the fund has been absorbed, will render it available for the support of establishments and for the supply of books.

We have thought it expedient to bring separately under the consideration of your Lordship the revenues and resources which we have proposed to reserve as a permanent provision for the church establishment throughout the colony ; and as in detailing our proposed plan for the settlement of the land revenue, we postponed the consideration of the manner in which the lands intended to be reserved for the church might be most advantageously distributed and settled, we shall explain in this place the situation of these lands, and the nature of the settlement that may be made with a view of deriving an immediate though inconsiderable revenue from them, but which may be augmented in future years.

It having been hitherto the practice to attach certain lands to the drostdies or residencies of landdrosts, and as we think it expedient to recommend to your Lordship that the civil commissioners in both provinces should in future be prohibited from possessing or cultivating farms on their own account in their respective districts ; and as the salaries that we propose to assign to them will include a compensation for any loss they may sustain from relinquishing their farms, we recommend that the several drostdy farms which are conveniently situated

with reference to the district churches should in future be attached to them as glebes, and that the rents derived from them should respectively be applied to the support of the clergy, and be collected either for the general fund, or be considered as a deduction from their stipends.

In situations where churches may hereafter be established, we recommend that in the same manner the drostdy farms should be attached as glebes, or that lands of equal extent should be reserved and attached to the church.

With a view to extend the benefits of this provision to the coloured inhabitants of the colony in general, we recommend that in all instances in which applications may be made by any number of families of Hottentots, Bosjesmen, or Malays, or of any other class of coloured people settled within the colony, or on application being made by clergymen or missionaries on their behalf for assistance to be afforded to them in acquiring the means of instruction and religious communion, a reserve should be made of land in the parish in which they propose to settle or reside ; and a distinct allotment should be attached as glebe, for the support of a clergyman or teacher, that a proportionate salary be assigned to such person, and that £500 be appropriated from the revenues of the colony for the erection of a plain church and school, to which they may contribute whatever it may be within their own power to afford in aid of the establishment.

For the support of the clergy in Cape Town, now paid from the colonial revenues, we recommend that the government farm of "Paarden Island," in the neighbourhood of the town, may be assigned as a glebe, and that a sum equivalent to the rent should be deducted from the stipend of the clergyman of the English church in Cape Town, who may be permitted to occupy it, unless it should be let for the benefit of the general fund.

As a general provision for the church establishment in the western province, we have already recommended to your Lordship that the government farms at Groene Kloof should be set apart for the use of the church, and that those farms which have hitherto been directly under the management of the government should be let on lease, and that the rents derived from them, as well as from those which are already leased,

should be applied to the support of the established churches in the western province.

The accounts of those farms that have been under the management of the government have not proved that any advantage has resulted from them which would justify us in recommending the continuance of them on their present footing. The corn farms in the vicinity have hitherto been exposed to the inconvenience attending the transport of all their produce by land to Cape Town, through a heavy sand, for a distance of twenty-six miles ; this might have been partly obviated by opening a small port called Buck Bay, situated at no great distance from those farms, and from which the produce might have been transported in a few hours to Cape Town. The government having kept a small establishment at Buck Bay for burning lime, it has not been allowed to be opened to the farmers. We recommend the reduction of the establishment in question, and that the government should purchase the lime required for public works ; and when facility is thus afforded to the Groene Kloof farms in sending their produce to market, we think that they may be let to advantage.

The rents at present derived from certain salt-pans near Cape Town may also we think be advantageously collected for the church fund.

In the eastern province we recommend that the fees taken on licences for cutting wood and collecting salt in the lands and places which we have already described, may be appropriated to the support of the church fund ; and that those lands and places, the revenues of which are derived in this manner, may be considered to be attached to the church, including the tract of forest land on the eastern coast called the Sitzikamma. The revenue that can be raised from the resources we have enumerated cannot at present be estimated at a higher rate than £2,000 sterling per annum ; but we anticipate a considerable increase from the improving circumstances of the colony, and we hope that by attention to the means of augmenting these revenues, the several church establishments throughout the colony may in a few years cease to be a charge on the revenues of the colonial government.

Having detailed to your Lordship the extent of the revenual resources of the colony that will be applicable to the mainten-

ance of the future establishments, and having accompanied this detail with such observations as have occurred to us upon the mode in which we propose to provide for the future collection of the revenues, and the nature of the establishments to be employed in those duties, we proceed to the consideration of the charges which will be necessarily incurred in providing for the general establishments of the colony.

In submitting a schedule of the establishments, and of the salaries and emoluments which we propose to attach to each, we shall limit our observations in this place to those points on which any particular explanation may be required to account for changes that we recommend, and where those explanations may not already have been afforded in this and other sections of our Report.

Your Lordship will observe that the future salary which we have proposed for the governor in the western province is £7,000 sterling per annum. The reduction in the civil and judicial business occasioned by the appointment of a lieutenant-governor for the eastern province, the appointment of a council to assist the governor, and the transfer of the business of the court of appeals to the judicial authorities, that we have recommended, will render this salary a sufficient remuneration to the governor, and should include all the charges that we think ought to be incurred by the public in the maintenance of his household establishment, as well as a compensation for the loss of the services of government slaves and prize negroes, which we have estimated at £600 per annum.

The governor, however, should not be charged with the expense of supplying furniture for the rooms of public reception in the government houses, nor with the expenses attendant on keeping the grounds attached to them in order ; but the superintendent of works should be allowed to expend upon them a sum not exceeding £200 per annum for Newlands, and a like sum for the government garden in Cape Town, until the greater portion of it may be appropriated to the purpose of a botanic garden. Some labourers from the establishment called the government slave lodge have hitherto been employed in these grounds ; some of the most useful of these persons have from time to time been given or sold to individuals, and as a considerable number of those who remain are aged and inferior, and as the

establishment, which has not been well conducted, is a source of expense uncompensated by any advantage to the public, we have no hesitation in recommending the abolition of it, and the emancipation of all the slaves who remain in it, by a public declaration of the government to that effect. A few effective labourers with their families may be settled on the grounds at Newlands, where they may be usefully employed, and a suitable provision will require to be made for the others, who are from age or infirmity incapable of supporting themselves, during the remainder of their lives.

We have proposed to fix the salary of any future "secretary to the government of the western province" at £1,500 per annum, in consideration of the reduction in the duties of the secretary's office by the establishment of a separate office for the registry of deeds and mortgages, and by the establishment of a surveyor-general's office for the preparation and record of grants of land, both of these duties having hitherto been performed in the office of the secretary to government.

The salaries and establishments of the secretaries in the eastern and western provinces have been fixed with reference to the limitation that has already been imposed on the duties of the office, by the transaction of much business in the council office, and by superseding a practice that has long prevailed of keeping general accounts of the revenue in the colonial secretary's office, with the assistance of an officer called the "accountant," whom it is now proposed to attach to the office of the auditor-general.

As the correspondence of this and other offices is now conducted in the English language, we think that the office of translator to government may be altogether dispensed with.

The appointment of a "treasurer and accountant-general" in Cape Town, which we have already recommended to your Lordship, will provide for the duties that are now performed by the receiver-general, and by the colonial paymaster, and will supersede the necessity of retaining any other department for the collection of the land revenue or transfer duty.

Without entering into any further explanation at present of those which we propose to supersede, or of the mode in which the revenues have been collected and accounted for previously and subsequently to the application of the instructions of the

has not been hitherto observed, to ascertain the situations in which lands may be advantageously reserved for the settlement of the Bosjesmen, whose country has been comprised within the extended boundary line that has been recently drawn, and has included about forty-eight thousand square miles of infertile country.

The salary we have recommended for the surveyor-general is £800 per annum, and that of the deputy surveyor-general in the eastern province £400. The instruments he may require should be furnished at the public expense, and his travelling expenses defrayed.

We think that all surveys should be executed in the first instance at the expense of the government, and that when lands are granted or sold, the grantees or purchasers should reimburse those expenses, in proportion to the extent and value of the grants.

It will also be desirable that no memorials for lands should be entertained until the surveys have been executed, and the reports completed ; in which should be included the fullest information on the nature of the climate and the soil, the supplies of water, and the facilities that would attend the irrigation of the land.

It is unnecessary that we should impress upon your Lordship that the surveyor-general should be theoretically and practically conversant with his profession. It will become his duty to correct the errors that have been the consequence of the defective knowledge of the persons hitherto employed, and in some instances to obtain the services of more competent persons. The establishment of a school of instruction under his superintendence will be a means of enabling the young colonists to acquire the necessary information to qualify them to act as surveyors ; at present they have no means of obtaining such instruction, and their surveys have been for the most part very defective, while the expenses devolving upon the public have been very considerable.

The registry of slaves throughout the colony is entrusted to a principal officer in Cape Town, assisted by agents in the country districts, in each of which a separate register is kept. These registers, although voluminous, are defective in form, and the removals of slaves have not been in all instances duly

recorded. No description of the person of the slave is entered in the register, nor has it been customary to require the attendance of the slave at the office when he has been returned by the owner. We think that the establishment of an office of registry in Cape Town, and of one at Uitenhage or Graham's Town, in the eastern province, will be sufficient in future, and that they may be advantageously united to the office of registry of deeds, the duties of which are not dissimilar, and by the separation of the provinces, will be executed with greater facility and dispatch, and with much convenience to the inhabitants. We will at present only remark, that it will be essential that new returns of the slaves in both provinces should take place, and that they should be registered with an accurate description of each slave ; that all transfers from one province to another should be duly noted in the registers and certificates taken out by the owners. The removal of slaves from one county to another should be duly reported to the officer in the respective provinces by the civil commissioners in the counties, by whom certificates should be given to the proprietors previous to the removal, and on the production of the slave or slaves at the office of the commissioner. In collecting the revenue arising from the tax upon slaves, the usual returns, called "opgaaf rolls," will be a guide, but they should be checked from the registry in either province, by the respective treasurers. We recommend that a salary of £700 per annum should be allowed for the registrar in the western province, and of £400 for the registrar in the eastern province. Your Lordship will observe that we have made a provision in the schedule of the proposed establishments for a civil architect, and an overseer of public works and buildings, for a medical inspector and vaccinator, and for a librarian : the utility of these appointments we shall take opportunities of explaining in discussing the several offices and establishments to which they appertain. We proceed, therefore, to notice the only two material subjects that are connected with this section of our Report, the establishment of the colonial corps of Hottentots for the protection of the frontier districts, and the pension fund which we recommend at a future period to be opened. The expensive establishment of the Cape corps has been a subject that has engaged much of our attention, with a view to the relief of the colony from a

burthen that bears so heavily on its finances ; and in the correspondence that we have respectively held with the governor, and since his departure with the lieutenant-governor, your Lordship will perceive that we have not been inattentive to the means of effecting a partial reduction. We regret that we cannot hold out the expectation that the situation of the frontier will admit of an early relief to the colonial finances to any greater extent than is provided for in the limited establishment proposed by Major-General Bourke, but in that limitation we are disposed entirely to concur. The expenses of the corps on the proposed establishment will amount to £12,407, a sum that we hope at a future period will be applicable either to the relief of the inhabitants from a part of the burthen of the assessed taxes, or of the trade of the colony from the colonial custom duties. In submitting this establishment, for the approval of your Lordship, we beg leave very strongly to recommend that the sons of respectable Dutch families in the colony may be selected for the junior appointments in the corps. In the present circumstances of the colony such an opening for their employment would be peculiarly acceptable, and from the examples of some who received commissions in the former Cape regiment, we think that the public service would be benefited by their advancement. With respect to other charges of a military nature that may devolve upon the colony, we have, in pursuance of the suggestion contained in the first section of our Report, provided an adequate salary for the commandant of Cape Town, by the reduction of that which is now allowed to the commandant of Simon's Town. The civil duties now performed by that officer will by the proposed arrangements be transferred to a resident magistrate, and we cannot perceive that there are any circumstances arising out of the situation of Simon's Town or its population, which in time of peace can require the presence of a military president for the direction of the very small force that is stationed there.

We shall endeavour at an early period to submit to your Lordship a plan for a pension fund, which by means of annual contributions may hold out a reasonable expectation of retirement after a moderate length of service ; but we consider that the benefits of such a scheme of remuneration are of less immediate importance to the civil servants of this colony

than of those within the tropics, in consequence of the superiority and salubrity of its climate. With reference to the charge which will immediately devolve on the government in defraying the pensions that have already been granted, together with those that will be due to many retiring servants of the government, who have a just claim to consideration for their past services, we believe that the schedule that we have annexed will comprehend all the claims of this description that will have to be immediately provided for, and we have endeavoured to regulate the amount of the pensions by the length of service of each individual, and the nature of the office that he has held. As other retrospective claims of the same kind may be expected to arise, and as the changes immediately contemplated in the establishment will unavoidably occasion the removal of many persons who have served for a considerable time as clerks and assistants in the public offices upon very inadequate salaries, and who may be considered in some instances to have been impoverished by their adherence to the public service, we fully anticipate the disposition of your Lordship to consider the claims of such persons to preferment when any opening may present itself for their employment, according to their respective qualifications ; but as it would be impracticable to make a suitable provision for effective establishments without considerably reducing the number of the present functionaries, we will briefly state the principle on which we think that the past services of those who may be excluded from the arrangements will require to be compensated. Although particular exceptions may require to be made, we think that in general it may be sufficient to provide, that all clerks in the public offices whose functions may expire, or who may not be readmitted to employment, should, if they have served three years, be entitled to a gratuity of one year's salary ; if they have served five years, to a gratuity of two years' salary of their respective situations : if, however, they should have served the government ten years, they should be entitled to a pension equal in amount to half the salaries attached to the situation last held by them, as a reasonable compensation for their services, and for the losses sustained by them from the depreciation of their currency salaries, and which salaries have in no instances been estimated with reference to

the rates in sterling money. These gratuities should not, however, be paid in any case in which a suitable employment may be offered to the individual under the new arrangements; and we think that in all cases in which such employment may present itself within twelve months from the reduction of the office previously held by them, a gratuity of one year's salary may be sufficient, and that during the possession of office no pension should be payable to the incumbent, excepting those of two members of the court of justice appointed to seats in the orphan chamber; but that on retiring from the service he should be entitled to receive the pension previously assigned to him, without prejudice to any further claims that he may possess from recent services. It would be impracticable for us to form a very precise estimate of the charges that will have to be incurred in compensating the services of clerks and other individuals who may not be restored to employment; but we may generally observe, that the experience of the senior clerks and civil servants will render them useful in the various departments, keeping in view also the principle of preference which we have had previously the honour to submit in favour of the colonial youths already engaged in the service.

In concluding this section of our Report, we beg leave to assure your Lordship that in the arrangements we have submitted we have endeavoured to be guided by considerations that are due to the efficiency of the public service, and to the economical disposal of the revenues. We have also endeavoured, as far as possible, to apportion the burthens to the circumstances of the colonists, to impose them more equitably upon the different classes throughout the colony, and to provide for a just remuneration to the public servants. Although the estimates we have framed of the probable amount of the assessed taxes are from the nature of the colonial returns imperfect, we have endeavoured in all instances to state them within the probable amount, having made the calculations upon the statements of the population and stock that have been actually returned, and without allowing for any additions that may be found to be the result of a more active and vigilant attention to the public interests on the part of those who may hereafter be entrusted with the collection of the revenues. Assuming the present estimates, however, to be generally underrated, and that the

circumstances of the colonists may lead to a progressive augmentation rather than a further decline of its resources, we entertain a hope that the fixed revenue of the colony will be found adequate to provide for all the establishments that we have recommended, except that of the Cape corps, amounting to £12,407.

This circumstance, however, must still depend upon the progressive augmentation that may be made in the land-rents, by the successful and early application of the principle of assessment that we have recommended ; and which, although equitable in itself, and efficient in its operation, will doubtless receive some check from the general depression of all agricultural produce in the colony, the want of capital, and the impoverished state of a large majority of the agricultural classes.

In the estimate that we have framed your Lordship will perceive that the temporary deficiency in the land revenue amounts to the considerable sum of £18,000 sterling, for which it will be necessary more immediately to provide, if the new establishments we have recommended are to be carried into effect.

From the comparative view that is afforded in another estimate of the taxes proposed to be repealed and of those to be substituted, your Lordship will find that the amount of the former is £29,782, and that of the latter £28,437, constituting a diminution of burthen to the amount of £1,345, but affording very inconsiderable relief to the inhabitants, except in the adoption of a more equitable principle of assessment. After an anxious consideration of the different causes of the present distressed state of the colonists, as well as an examination of the natural and artificial resources of the colony, we are unable to point out to your Lordship any new subject of taxation, and we do not feel ourselves justified in proposing any addition to be made to the present amount, that would press too heavily upon the chief sources of productive industry.

On the other hand, in adverting to the charges that we consider unavoidable in remodelling the institutions of the colony, both in providing for past services, and in proposing adequate compensation for those which the gradual changes that we have proposed in the judicial system of the colony will

render necessary, we must beg leave to express a hope that His Majesty's government will not be averse to lend its assistance in the accomplishment of these very desirable objects.

A long period has elapsed during which the services of most of the judicial officers now about to retire have been remunerated by salaries which have been universally acknowledged to be inadequate, and which have suffered heavy diminution from the depreciation of the currency in which they were paid. The contemplated introduction of the language and laws of England must necessarily lead to the retirement of many officers in the judicial department, who, under the continuation of the present system might still have found the means of respectable employment, but for whom it is now necessary to provide.

While we deem it superfluous to dilate upon the inconvenience which such changes cannot fail to occasion to all classes of the inhabitants, we may observe, that the advantages which the mother country derives from the diffusion of her language, her institutions and her laws, in the colonies that she acquires, are at first more perceptible to herself than to the colonists themselves, especially to those who are habitually indisposed to purchase a remote advantage by submitting to a temporary inconvenience.

The more enlightened part of this community will see with satisfaction the new paths of industry and ambition which a nearer communication with England will open to them, but those who are less informed, and are suffering under the pressure of distress that we lament to state is very general, will regard every measure that has a tendency to aggravate those evils, by an addition to the present amount of the public burthens, with feelings of aversion and disgust.

It has been our earnest endeavour in fixing the scale of the new establishments, especially the judicial, to adopt the lowest rate of remuneration that was consistent with the nature of the duties and qualifications required for the just dispensation of the laws.

In providing for a more equal participation of that blessing by the inhabitants of the eastern province, we feel that a great portion of the new charges has been created ; but when we reflect upon the character of its population, the necessity that

was experienced at no distant period of repressing a rebellious spirit which prevailed in it, by an ultimate appeal to the severest vengeance of the law, and the expediency of overawing the population by the constant presence of the executive and judicial authority, we did not hesitate to submit to your Lordship an establishment which might provide for the exercise of both, although we regret to observe, that in this as well as all other establishments calculated for a population so widely dispersed, as we fear that of the Cape colony will for some time continue to be, the efficiency of such establishments must be greatly disproportioned to the expense of maintaining them.

Without applying that observation to the military defence of the frontier, we can only hope for a reduction of the heavy expense that is now incurred in maintaining it, by the progressive establishment of more amicable relations with the tribes on the frontier ; and it is at once consolatory and satisfactory to reflect, that any measures which have a tendency to preserve the tranquillity of the frontier on the side of Caffraria, will in the same degree contribute to the prosperity and commercial enterprise of the colony. We have &c.

(Signed)      JOHN THOMAS BIGGE,  
                  WILLIAM M. G. COLEBROOKE,  
                  W. BLAIR.

[Annexure 1 to the above.]

*Colonial Debt.*

Total Amount of Paper Currency in circulation on  
the 1st of September 1826 Rds. 3,099,204 5 sks. or £232,440 6 11  
Loan from the British Treasury for the relief of the  
Inhabitants who had suffered losses by the storm  
in 1822 . . . . . 35,097 10 7

Total Debt of the Colony . . . £267,537 17 6

Amount of Long and Short Loans  
recoverable by the Lombard  
Bank . . . . . Rds. 1,385,255

Loans granted to Agriculturists in  
the year 1822 recoverable by the  
Bank . . . . . 200,000

Loans granted to Agriculturists  
and others who had suffered  
from the storm in 1822 recover-  
able by the Boards of Landdrost  
and Heemraeden . . . . . 148,846

Total of Loans recoverable . Rds. 1,734,101 or £130,057 11 6

Balance of the Debt of the Colony . . . £137,480 6 0

*Proposed Redemption.*

Debentures to be issued in exchange for an equal amount of Paper Currency, such Debentures to bear an Interest of 6 per cent per annum, which is to be pay- able from the Interest receivable by the Bank upon the loans above mentioned . . . .	£100,000 - -
Paper Currency to the extent of £30,057 11s. 6d. to be destroyed as soon as instalments to that amount have been received by the Bank upon the Loans above mentioned . . . .	30,057 11 6
Specie to be sent out by the British Treasury to be exchanged for an equal amount of Paper Currency	65,000 0 0
Drafts to be drawn by the Colonial Government upon the British Treasury to the extent of £35,000, and the proceeds thereof in Paper Currency to be de- stroyed . . . .	35,000 0 0
The Claims of the British Treasury upon the Colonial Government for the sum of £35,097 10s. 7d. advanced for the relief of the Colonists in the year 1822 to be cancelled, and the amount to be considered as a further payment by the British Treasury towards the redemption of the Paper Currency . . . .	35,097 10 7
Amount of Paper Currency esti- mated to have been lost in circu- lation during the last 22 years, being about one per cent upon the amount issued . . . .	2,382 15 5
	£267,537 17 6

*Statement of certain Debts incurred by the Colonial Government, and the Interest of which now constitutes a charge upon the Revenues of the Colony :—*

1815. Orphan Chamber. For the Establishment of the Government Farm at Groote Post, 62,000 Guilders	£1,550
1821. Lombard Bank. Mortgage taken over by Government on the purchase of the Somerset Hospital, Balance due Rds. 5,600 . . . . .	420
1821. Orphan Chamber. Mortgage taken over by Government on the purchase of the Somerset Hospital, Rds. 5000 . . . . .	375
1825. Lombard Bank. Mortgage taken over by Government on the purchase of Major Rogers' house in Cape Town for the Chaplain's residence, Rds. 9000	675
1825. Lombard Bank. Mortgage taken over by Government on the purchase of Mr. Hough's house in Cape Town for the Classical School, Rds. 6,000 .	450
1825. Revd. G. Hough. Remainder of the purchase money of his house, Rds. 16,000 . . . . .	1,200

Total of Debts bearing interest at 6 per cent per annum £4,670

1825. The Agent of the East India Company at the Cape. Loan contracted 30th June 1825 and bearing Interest at 4 per cent per annum, 250,000 rixdollars	18,750
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Total of Debts £23,420

Upon which the Government pays Interest of £1,030 4s. per annum.

The Colonial Government Debt to the British Treasury for Expenses defrayed by the Commissariat Department on account of the Cape Corps and other Colonial Establishments amounted at the close of 1825 to £56,114 16 7

On the other hand the Colonial Government has a claim upon the British Treasury for Expenses that have devolved upon the Revenues of the Colony in consequence of the Emigration of the British Settlers estimated to have amounted in 5 years to the sum of £30,811 4s.; from this sum however should be deducted the amount of Revenue derived by the Colonial Government from licences to retail Wine and Spirits in the Albany District, which amounted in 5 years to the sum of Rds. 159,449 or £11,958 13s. 6d. £18,852 10 6

Balance due by the Colony to the British Treasury £37,262 6 1

*Recapitulation.*

Debts upon which the Government is now paying an annual Interest of £1,030 4s. . . . .	£23,420 0 0
Balance due by the Colony to the British Treasury	37,262 6 1
Total . . . . .	£60,682 6 1

[Annexure 2 to the above.]

*Statement of the Private Fund of the Orphan Chamber and the proposed appropriation of the available Balance.*

Amount of the Private Fund as it stood at the close of the year 1824, Rds. 446,817 5 sks. 3 sts. or	£33,511 6 6
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Deduct the following :

Loans advanced by the Orphan Chamber without  
interest, viz.

Bible and School Commission .	Rds. 6,000
Public Library in Cape Town .	13,700
Orphan House in Cape Town .	8,000
Lutheran Church in Cape Town	5,000
Church at George . . . .	12,000
Church at Caledon . . . .	10,000
Church at Uitenhage . . . .	10,000
Church at Somerset, Hottentots Holland . . . . .	17,000
	Rds. 81,700 or £6,127 10 0
Available Balance of the Private Fund .	£27,383 16 6

*Proposed Appropriation.*

In aid of the Expenses attending the conversion of the Government House into a Public Library and the erection of a new Government House . . .	£12,000 0 0
In aid of the Expenses attending the conversion of the Commercial Exchange Buildings into a Court of Justice, including the purchase of private Shares in that Building . . . . .	5,000 0 0
In aid of the Expenses attending the erection of a new Gaol in Cape Town . . . . .	5,000 0 0
In aid of the Funds of the Orphan House . . . .	3,000 0 0
In aid of the Church Fund . . . . .	2,383 0 0
	£27,383 0 0

## [Annexure 3 to the above.]

*Church Revenue.*

Rent of the Government Farm called Groote Post, 22,000 acres, to be subdivided and let on lease, estimated at . . . . .	£500
Rent of the several Government Farms at Groene Kloof, 110,980 acres, now leased at £867, the rents to be lowered to . . . . .	500
Rent of 10 Drostdy Farms as Glebes . . . . .	500
Rent of Paarden Island as Glebe . . . . .	112
Salt Pans near Cape Town . . . . .	150
,, in the Uitenhage District . . . . .	119
Licences to cut Timber in the George and Uitenhage Dis- tricts . . . . .	119
 Total . . . . .	 £2,000

This Revenue is proposed to be collected for and paid over to the Colonial Treasury as long as the Salaries of the Clergy continue to be defrayed by Government.

*Estimate of the Produce of the Church Tax.*

1,700 Farms exceeding 2,000 acres at 4s. per annum .	£340
600 do. under 2,000 acres at 2s.     ,, . . .	60
170 Building Allotments of the largest class at 2s, per annum . . . . .	176
1,000     do.     of the smaller class at 1s. per annum . . . . .	50
 Total . . . . .	 £626

The Produce of these Taxes will be paid over to the Trustees of the Fund for the Erection and Repair of Churches.

*General Account of the Funds of the Reformed Church in Cape Town and the several Churches in the Country Districts.*

DISTRICT CHURCHES.

Debts.

	Rds.	sk.	st.
Church at Stellenbosch to the Colonial Government	1,470	0	0
,, Swellendam to the Bank . . .	3,033	2	4
,, „ to the Reformed Church .	2,000	0	0
,, „ to the Poor's Fund . .	3,000	0	0
,, Zwartland to the Reformed Church .	2,666	5	2
,, „ to the Cape District . .	500	0	0
,, „ to the Bank . . .	2,000	0	0
,, at Caledon to the Orphan Chamber .	10,000	0	0
,, Worcester to Individuals . . .	8,333	2	4
,, Somerset (Hottentots Holland) to the District of Stellenbosch . .	3,500	0	0
,, Somerset to the Orphan Chamber .	17,000	0	0
,, Uitenhage to the Orphan Chamber .	10,000	0	0
,, „ to the Bank . . .	5,000	0	0
,, „ to Individuals . .	3,441	0	0
,, „ to the School Fund .	1,788	0	0
,, Graaff Reinet to the Bank .	1,400	0	0
,, „ to Individuals . .	17,319	3	0
,, Cradock to Individuals . .	11,788	4	0
,, George to the Orphan Chamber .	12,000	0	0
Total Debts . . £8,718 0s. 4d. or Rds. 116,240	1	1	4

Credits.

	Rds.	sk.	st.
Church at Stellenbosch in Bonds . . .	2,833	2	4
,, Paarl „ . . .	7,216	3	4
,, Tulbagh „ . . .	7,000	0	0
,, Uitenhage „ . . .	1,403	4	1
Total Credits . . £1,383 19s. 1d. or Rds. 18,453	2	2	3

Balance of Debt due by the District Churches, £7,334 1s. 3d.

*Reformed Church at Cape Town.*

Loans on Mortgage and Bonds bearing Interest at 6 per cent per annum, and standing in the name of the Poor of the Reformed Church in Cape Town, repayable at three months warning . . .	£16,387	10	0
Loan to the Church at Swellendam without Interest	375	0	0
Loan to the Church at Zwartland without Interest	200	0	0
Loans on Mortgage in the Districts . . .	1,383	19	11
Total of Loans . . .	£18,346	9	11

## *Proposed Appropriation.*

Total Debts of District Churches	£8,718	0	4
Debts to be cancelled by the Orphan Chamber . . .	3,675	0	0
<hr/>			
District Debts to be discharged . . .	5,043	0	4
To be advanced in aid of the Infirmary . .	5,000	0	0
Balance to constitute the Church Fund . .	8,303	9	7
<hr/>			
	£18,346	9	11

*Church Fund appropriated to the Erection and Repairs of Churches throughout the Colony.*

Balance of the Funds belonging to the Reformed Church and the other Churches in the Country Districts . . .	£8,303
Contribution to be made by the Orphan Chamber out of the Private Fund . . . . .	2,383
	<hr/>
To which will annually be added the Church Tax on Farms	10,686

[Annexure 1 to the above]

Land Revenue

BENTS DUE 31st DECEMBER 1885

Rent on Loan Places . . .	Rds. 40,328
„ Gratuity Lands . . .	1,559
„ Old Quit Rent Places . .	1,510
„ Perpetual Quit Rent Places . . . .	62,457
„ Government Places, Farms, &c. . . .	9,829
<hr/>	
Total of the Rents of 1825 .	Rds. 115,683 or £8,676

#### Amounts collected in 1825 :—

On Loan Places . . .	Rds. 40,136
Gratuity Lands . . .	1,189
Old Quit Rent Places . .	1,745
Perpetual Quit Rent Places .	39,564
Government Places, Farms, &c.	4,645
<hr/>	
Total collected in 1825 .	Rds. 87,279 or £6,545

Rent of Waste Lands now received by the District Treasuries of Swellendam, George, Uitenhage, and Graaff Reinet . . . . .	£821
Total Annual Rents upon Lands held under the various tenures on the 31st December 1825 . . . . .	£9,497

*Proposed Assessment upon Lands.***Estimated Value of Stock in the several Districts :—**

73,382 Horses at Rds. 50 or £3 15s. . . . .	Rds. 3,669,100
352,340 Horned Cattle at Rds. 25 or £1 17s. 6d. . . . .	8,808,500
2,582,510 Sheep and Goats at Rds. 2 or 3s. . . . .	5,165,020
	<hr/>
	Rds. 17,642,620 or £1,323,196

The proposed Land Rent if assessed at 2 per cent on the value of the Stock that is maintained throughout the year on the pasture lands of the Colony, valued at £1,323,196, would produce . . . . .	£26,463
The cultivated lands, estimated at 99,858 acres, if assessed at 2d. per acre would produce . . . . .	832
	<hr/>
	£27,295

Estimated extent of Pasture Land throughout the Colony 13,053,022 acres. Land Rent as above £26,463. The rate per acre therefore may be stated at three farthings.

[Annexure 5 to the above.]

*Estimate of the Revenue to be derived from Stamps and Licences.*

36 Special Licences for Marriage at £15 . . . . .	£540
8 Licences to keep a public Billiard Table at £8 . . . . .	64
426 Licences to keep Retail Shops at £1 10s. . . . .	639
39 Licences to keep Fishing or Shore Boats at 4s. 6d. . . . .	8
148 Game Licences at 10s. 6d. . . . .	77
24 Hawkers and Pedlars Licences at £5 . . . . .	120
15 Auctioneers Licences at £3 . . . . .	45
	<hr/>
Total . . . . .	£1,493

<b>64</b> Licences to sell Cape Wine and Cape Spirits by wholesale at £18 . . .	<b>£1,152</b>
<b>85</b> Licences to sell Cape Wine and Cape Spirits by retail at £112 . . .	<b>9,520</b>
<b>50</b> Wine Farmers Licences to sell Cape Wine by retail upon their own Estates at £5 . . . . .	<b>250</b>
<b>12</b> Licences to sell Foreign Spirits by wholesale at £15 . . . . .	<b>180</b>
<b>5</b> Licences to sell Foreign Spirits by retail at £15 . . . . .	<b>75</b>
<b>53</b> Licences to sell Beer by retail at £2	106
	<b>11,283</b>
<b>Total Licences</b> . . . . .	<b>£12,776</b>

These Licences to be issued on Stamps and no Office Fees to be charged.

The average annual number of Stamps now issued in the Colony (according to the Returns of 1822, 1823, and 1824) is as follows :—

<b>11</b> Stamps at Rds. 60 . . . . .	<b>660</b>
<b>474</b> ,,, 50 . . . . .	<b>23,700</b>
<b>16</b> ,,, 40 . . . . .	<b>640</b>
<b>93</b> ,,, 30 . . . . .	<b>2,790</b>
<b>135</b> ,,, 25 . . . . .	<b>3,375</b>
<b>624</b> ,,, 20 . . . . .	<b>12,480</b>
<b>17</b> ,,, 18 . . . . .	<b>306</b>
<b>211</b> ,,, 15 . . . . .	<b>3,165</b>
<b>341</b> ,,, 12 . . . . .	<b>4,092</b>
<b>179</b> ,,, 10 . . . . .	<b>1,790</b>
<b>87</b> ,,, 9 . . . . .	<b>783</b>
<b>252</b> ,,, 8 . . . . .	<b>2,016</b>
<b>307</b> ,,, 7 . . . . .	<b>2,149</b>
<b>818</b> ,,, 6 . . . . .	<b>4,908</b>
<b>3,831</b> ,,, 5 . . . . .	<b>19,155</b>
<b>420</b> ,,, 4 . . . . .	<b>1,680</b>
<b>1,967</b> ,,, 3 . . . . .	<b>5,901</b>
<b>1,537</b> ,,, 2½ . . . . .	<b>3,842</b>
<b>4,050</b> ,,, 2 . . . . .	<b>8,100</b>
<b>4,435</b> ,,, 1½ . . . . .	<b>6,652</b>
<b>6,544</b> ,,, 1 . . . . .	<b>6,544</b>
<b>5,604</b> Stamps at Skillings 6 . . . . .	<b>4,203</b>
<b>40,221</b> ,,, 4 . . . . .	<b>20,125</b>
<b>33,178</b> ,,, 2 . . . . .	<b>8,294</b>
<b>13,565</b> ,,, 1 . . . . .	<b>1,695</b>
<b>Total</b> . . . . .	<b>Rds. 149,045</b>

Average annual value of Stamps issued Rds. 149,045 or £11,178.

Deducting the average annual value of Stamps now affixed to Licences issued at the Colonial Office £3,304, the average annual value of Stamps for all other purposes may be stated at £7,874.

Annual value of Stamps estimated to be taken out in future . . . . .	£7,874
Add Licences in the foregoing Estimate . . . . .	12,776
Total Revenue . . . . .	<hr/> £20,650

[Annexure 6 to the above.]

#### *Estimate of the Produce of the proposed Auction Duty.*

##### Cape Town.

The annual amount of sales in Cape Town computed from the average of 3 years (1822, 1823, and 1824) exclusive of sales held by the Sequestrator and the Orphan Chamber may be stated as follows :—

Of moveable Property £209,868 Sterling, upon which the Government Duty of 4 per cent is . . . . .	£8,394
(and the Auctioneers charge of 1 per cent £2,098.)	
Of immoveable Property £10,402 Sterling, upon which the Government Duty at 2 per cent is . . . . .	208
(and the Auctioneers charge of $\frac{1}{2}$ per cent £52.)	
Total Amount of Government Duty in Cape Town . . . . .	<hr/> £8,602
Total Amount of Auctioneers charges in Cape Town . . . . .	£2,150

##### Country Districts.

The annual amount of Sales in the several Country Districts, computed from those which were effected in 1824, exclusive of Sales held by the Agents of the Sequestrator and Orphan Chamber, may be stated as follows, viz.

Of moveable Property £92,705 Sterling. Total amount of Government Duty at 3 per cent . . . . .	£2,781
(Amount of Auctioneers charge at 2 per cent £1,854.)	
Of immoveable Property £14,768 Sterling. Amount of Government Duty at 2 per cent . . . . .	295
(Auctioneers charge at $\frac{1}{2}$ per cent £74.)	

Annual Amount of Government Duty, £11,678.

At present there are 4 sworn Auctioneers who conduct the sales in Cape Town under the superintendence of the Joint Commissaries of Vendues. Their present annual Emoluments are stated in the Return of the Department at £243 each.

The same number of Auctioneers would receive under the proposed system £2,150 or £537 per annum each, out of which they will have to defray the expence of Vendue Clerks and Messengers to collect monies.

*Comparative Statement of the present Revenue derived from Auction Duties with that proposed in the foregoing Estimate.*

Cape Town.

Amount annually paid into the Treasury by the Commissaries of Vendues, computed from the average of 3 years 1822, 1823, and 1824 . . . . .	£9,558
Deduct the annual expence of the Vendue Office, including Salaries and Contingencies . . . . .	1,294
Present Net Revenue in Cape Town . . . . .	£8,264
Revenue in Cape Town under the proposed system . . . . .	8,602
Increase of Revenue . . . . .	£338

Country Districts.

As the Duties payable upon Auctions in the Country are divided between Government and the Auctioneers in the same proportions as those recommended in the foregoing Estimate, no comparison is required.

[Annexure 7 to the above.]

*Establishment of the Post Office.*

Postmaster General . . . . .	£600
Chief Clerk in the General Post Office . . . . .	180
Second Clerk do. do. . . . .	140
Three Letter Carriers in Cape Town at £50 . . . . .	150
20 Postmasters in the two Provinces at £30 . . . . .	600
Postmaster at the Seat of Government of the Eastern Province . . . . .	100
Contracts for the conveyance of the Mails through the Interior . . . . .	3,000
Contingent Expences, average of 3 years . . . . .	330
Total Charge . . . . .	£5,100

The gross receipts of the Post Office in Cape Town and the several Country Districts, upon the average of the years 1822, 1823, 1824, and 1825, were Rds. 26,440 or £1,983 Sterling. Additional revenue to be expected upon the discontinuance of the present system of franking £217. Total £2,200.

[Annexure 8 to the above.]

*Establishment of the Orphan Chamber.*

President . . . . .	£600
Two Members of the Board at £100 per annum each in addition to their Pensions as Retired Members of the Court of Justice . . . . .	200
Two Honorary Members . . . . .	400
Secretary to the Board . . . . .	180
Chief Clerk . . . . .	140
Second Clerk . . . . .	180
Bookkeeper . . . . .	45
Office keeper . . . . .	900
<b>Total . . . . .</b>	<b>£2,645</b>

Revenue of the Orphan Chamber to be paid into the Colonial Treasury (average of 1823, 1824, and 1825) :—

Administration Fees at 2½ per cent . . . . .	£709
Vendue percentage . . . . .	1,196
Miscellaneous Fees . . . . .	770
<b>Total . . . . .</b>	<b>£2,675</b>

[Annexure 9 to the above.]

*Fees in Public Offices.*

Registry of Deeds and Slaves . . . . .	£1,650
Port Offices in both Provinces . . . . .	250
Police Office in Cape Town . . . . .	350
Custom houses in both Provinces . . . . .	500
Surveyor General's Office . . . . .	200
Offices of the Civil Commissioners and other Public Officers in the Counties . . . . .	750
Supreme Court and Vice Admiralty Court, Lower Courts in both Provinces, and Court of Requests . . . . .	3,000
County Courts . . . . .	800
<b>Total . . . . .</b>	<b>£7,500</b>

The total amount of Civil and Judicial fees now received by Government and by Individuals is estimated at £11,226 Sterling.

[Annexure 10 to the above.]

*Estimate of the Proposed Assessed Taxes.*

Commando tax on all men between the ages of 16 and 60 who are not Slaves or Servants at 10s. each . . .	£6,000
Tax on all Slaves between the ages of 10 and 60 at 10s. each, calculated to be payable for 24,000 Slaves . . .	12,000
Tax on all free Male Servants and Apprentices between the ages of 16 and 60 at 10s. each, calculated to be payable for 10,000 persons . . . . .	5,000
Tax on Saddle and Draft Horses not used in agriculture at 10s. each, calculated, to be payable for 2,000 Horses	1,000
Waggons not used in agriculture at £2 . . . . .	500
2 wheeled carts not used in agriculture at £1 . . . . .	150
4 wheeled carriages at £2 . . . . .	1,000
2 wheeled carriages at £1 . . . . .	500

*In lieu of the present Transport Tax :—*

Waggons used in agriculture at 5 shillings . . . . .	2,166
2 wheeled carts used in agriculture at 2s. 6d. . . . .	121
Total . . . . .	£28,437

[Annexure 11 to above.]

*Miscellaneous Revenue.*

Tolls between Cape Town and Simon's Town . . . . .	£1,870
Annual rent of Quarries at Cape Town . . . . .	48
Annual rent of Houses and Stores, now received by the Burgher Senate . . . . .	92
Rent of certain Islands, now collected in the Land Revenue Office . . . . .	120
Average annual proceeds of Town Lands sold by the Burgher Senate . . . . .	300
Total . . . . .	£2,430

## [Annexure 12 to above.]

*Civil Establishment of the Cape of Good Hope proposed by the Commissioners of Inquiry.*

## WESTERN PROVINCE.

Governor, Salary of £7,000 per annum including all allowances . . . . .	£7,000
Private Secretary to the Governor . . . . .	300
One Colonial Aide de Camp at 9s. 6d. per diem . . . . .	173
	—
	£7,473
Secretary to Government . . . . .	1,500
Chief Clerk . . . . .	400
One Clerk at £200 . . . . .	200
Three Clerks at £140 . . . . .	420
Office keeper . . . . .	70
Messenger . . . . .	50
	—
	2,640
Clerk of the Council . . . . .	600
1 Clerk . . . . .	140
Office keeper . . . . .	40
	—
	780
Treasurer of the Colony . . . . .	1,500
Chief Clerk . . . . .	180
Two Clerks at £140 . . . . .	280
Office keeper . . . . .	60
	—
	2,020
Auditor General . . . . .	1,000
Chief Clerk . . . . .	180
Two Clerks at £140 . . . . .	280
Office keeper . . . . .	40
	—
	1,500
Commissioners of Stamps . . . . .	800
1 Clerk . . . . .	140
	—
	940
Surveyor General . . . . .	800
Draftsman . . . . .	200
1 Clerk . . . . .	140
Office keeper . . . . .	40
	—
	1,180
Collector of Customs . . . . .	£1,000
Comptroller of Customs . . . . .	700
Chief Clerk in the Collector's Office . . . . .	180
	—
Carried forward . . . . .	£1,880
	—
	£16,533

Brought forward . . . . .	£1,880	£16,533
Clerk in the Comptroller's office . . . . .	180	
Second Clerk in the Collector's Office . . . . .	140	
Warehouse keeper . . . . .	250	
Searcher . . . . .	400	
4 Tide Waiters at £60 per annum . . . . .	240	
Office keeper . . . . .	40	
2 Clerks of the Wharf at £120 . . . . .	240	
	—	3,370
Port Captain of Table Bay . . . . .	400	
Health Officer of Table Bay . . . . .	150	
Messenger to the Port Offices . . . . .	40	
Deputy Port Captain at the entrance of Table Bay . . . . .	100	
Coxswains and Boatmen, 2 Establish- ments . . . . .	648	
Annual expence of the Light House . . . . .	225	
	—	1,563
Collector of Taxes in Cape Town with 1 per cent on his collections . . . . .	300	
1 Clerk . . . . .	140	
	—	440
Librarian of the Public Library . . . . .	200	
Registrar of Slaves and Deeds . . . . .	700	
Chief Clerk . . . . .	180	
2 Clerks at £140 each . . . . .	280	
Office keeper . . . . .	40	
	—	1,200
Civil Architect and Superintendent of Public Works . . . . .	600	
Overseer of Public Buildings, Roads, and Canals . . . . .	400	
	—	1,000
Colonial Medical Inspector . . . . .	400	
Vaccinating Surgeon to be in charge of the General Hospital and Leper Institution . . . . .	400	
	—	800
Collector of Customs and Port Captain at Simons Town . . . . .	400	
1 Clerk . . . . .	140	
Tide Waiter . . . . .	60	
Coxswain and 6 Boatmen . . . . .	198	
	—	798
Civil Commissioner for the Cape County . . . . .	400	
Civil Commissioner for the County of Stellenbosch . . . . .	400	
Carried forward . . . . .	£800	£25,904

Brought forward . . . . .		
Civil Commissioner for the County of Swellendam . . . . .	£800	£25,904
	400	
Civil Commissioner for the Counties of Tulbagh and Clanwilliam . . . . .	400	
Four Clerks to the Civil Commissioners at 140 per annum each . . . . .	560	
		—
		2,160

The Civil Commissioners to receive fees for attendance at the inspection and survey of Lands, and in the event of these fees not amounting to £100 per annum the deficiency to be paid by the Colonial Treasury.

Four Surgeons in the Counties, including allowance for vaccinating at a Salary of £150 each . . . . .	600	
96 Field Cornets or Constables in the Counties at £30 per annum . . . . .	2880	
Commandant of Robben Island . . . . .	182	
Resident at Saldanha Bay . . . . .	200	
Boat Establishment at Saldanha Bay . . . . .	220	
Resident at St. Sebastian's Bay . . . . .	200	
		—
		4,282
Total . . . . .		£32,346

#### EASTERN PROVINCE.

Lieutenant Governor . . . . .	£3,500	
Private Secretary to the Lieutenant Governor . . . . .	200	
One Colonial Aide de Camp . . . . .	173	
		—
		£3,873
Secretary to the Government of the Eastern Province . . . . .	800	
Chief Clerk . . . . .	200	
One Clerk at £180 . . . . .	180	
One Clerk at £140 . . . . .	140	
Office keeper and messenger . . . . .	40	
		—
		1,360
Clerk of the Council . . . . .	400	
1 Clerk . . . . .	140	
Office keeper . . . . .	35	
		—
		575
Carried forward . . . . .		£5,808

<b>Brought forward . . . . .</b>	<b>£5,808</b>
Vice Treasurer . . . . .	500
Chief Clerk . . . . .	180
Second Clerk . . . . .	140
Office keeper . . . . .	40
	—
Deputy Surveyor General . . . . .	860
Registrar of Slaves and Deeds . . . . .	400
2 Clerks at £140 . . . . .	280
Office keeper . . . . .	40
	—
<b>Collector of Customs and Port Captain at Port Elizabeth (Algoa Bay) . . . . .</b>	<b>720</b>
2 Tide Waiters at £60 each . . . . .	120
Boat Establishment . . . . .	198
	—
<b>Port Captain and Officer of Customs at Port Frances . . . . .</b>	<b>718</b>
Boat Establishment at Port Frances . . . . .	198
	—
<b>Civil Commissioner for the Counties of Beaufort and Graaff Reinet . . . . .</b>	<b>448</b>
Civil Commissioner for the Counties of Somerset and Albany . . . . .	400
Civil Commissioner for the Counties of Uitenhage and George . . . . .	400
3 Clerks to the Civil Commissioners at £140 each . . . . .	420
	—
<b>With fees to the Civil Commissioners upon the same principle as those allowed to the Civil Commis- sioners in the Western Province.</b>	<b>1,620</b>
6 Surgeons in the Counties of the Eastern Province at £150 per annum, including allowance for vaccination . . . . .	900
60 Field Cornets or Constables in the Eastern Province at £30 per annum each . . . . .	1,800
Resident at Plettenberg's Bay . . . . .	200
	—
<b>Total . . . . .</b>	<b>2,900</b>
	—
<b>Total . . . . .</b>	<b>£13,474</b>

*Recapitulation.*

<b>Civil Establishment of the Western Province . . . . .</b>	<b>£32,346</b>
,,                     ,,      Eastern Province . . . . .	13,474
<b>Total Civil Establishment of the Colony . . . . .</b>	<b>£45,820</b>

The Establishment of the Orphan Chamber, Post Office, and Police will be found in separate Estimates.

[Annexure 13 to the above.]

*Judicial Establishment of the two Provinces of the Cape of Good Hope.*

WESTERN PROVINCE.

Judge of the Supreme Court . . . . .	£2,500
Secretary and Registrar of the Supreme Court, and Registrar of the Vice Admiralty Court . . . . .	350
One Clerk to the Secretary and Registrar . . . . .	150
Two Judges of the Lower Court with Salaries of £1,500 each . . . . .	3,000
Secretary and Registrar of the Lower Court . . . . .	400
One Clerk to Registrar . . . . .	150
Master in Equity, Commissioner of Bankrupt and Insolvent Estates, and Commissioner of the Court of Requests . . . . .	800
One Clerk to the Master in Equity . . . . .	200
One Clerk to the Commissioner of Bankrupt and Insolvent Estates . . . . .	200
One Bookkeeper to the Commissioner of Bankrupt and Insolvent Estates . . . . .	150
Judge of Police and Commissioner of the Court of Requests . . . . .	800
One Clerk to do. . . . .	150
Attorney General . . . . .	700
One Clerk to do. . . . .	150
High Sheriff of the Western Province . . . . .	600
One Clerk to do. . . . .	150
Clerk of the Peace for Cape Town . . . . .	500
One Clerk to do. . . . .	120
Guardian of Slaves in the Western Province . . . . .	600
Judge of the County Court of Stellenbosch . . . . .	500
,,      ,,            Swellendam . . . . .	500
,,      ,,            Tulbagh . . . . .	500
,,      ,,            Clanwilliam . . . . .	500
Four Clerks to the Judges of County Courts at £120 each . . . . .	480
Magistrate at Simons Town . . . . .	350
One Clerk to do. . . . .	120
Magistrate at Caledon . . . . .	300
One Clerk to do. . . . .	120
Carried forward . . . . .	£15,040

Brought forward . . . . .	£15,040
Magistrate at Worcester . . . . .	300
One Clerk to do. . . . .	120
Magistrate at the Nieuwveld . . . . .	300
One Clerk to do. . . . .	120
Five Justices of the Peace in the Western Province at £100 per annum . . . . .	500
Allowance to do. for Stationery at £20 . . . . .	100
,, for a Clerk at £50 . . . . .	250
Clerk of the Peace for the Cape County . . . . .	350
,,                                  County of Stellenbosch . . . . .	350
,,                                  Swellendam . . . . .	350
,,                                  Tulbagh . . . . .	350
,,                                  Clanwilliam . . . . .	350
Five Clerks to the Clerks of the Peace at £120 per annum each . . . . .	600
Six Interpreters at £100 per annum . . . . .	600
Six Messengers at £50 per annum with fees . . . . .	300
Judicial Establishment of the Western Province . . . . .	£19,980

## EASTERN PROVINCE.

Judge of the Eastern Province . . . . .	2,000
Secretary and Registrar of the Civil and Equity Court . . . . .	300
One Clerk to do. . . . .	150
Master in Equity, Judge of the County Court of Albany (or County in which the Court resides), and Commissioner of Bankrupt and Insolvent Estates . . . . .	600
One Clerk to do. . . . .	200
Attorney General . . . . .	500
One Clerk to do. . . . .	150
High Sheriff of the Eastern Province . . . . .	400
One Clerk to do. . . . .	150
Guardian of Slaves for the Eastern Province . . . . .	400
Judge of the County Court of Beaufort . . . . .	500
,,                                  Graaff Reinet . . . . .	500
,,                                  Somerset . . . . .	500
,,                                  Uitenhage . . . . .	500
,,                                  George . . . . .	500
Five Clerks to the Judges of the County Courts at £120 each . . . . .	600
Magistrate at Port Elizabeth . . . . .	300
,,                                  Port Frances . . . . .	300
,,                                  Winterveld . . . . .	300
Three Clerks to the Magistrates at £120 . . . . .	360
Carried forward . . . . .	£9,210

Brought forward . . . . .	£9,210
Three Justices of the Peace for the Eastern Province at £100 . . . . .	300
Allowance to do. for Stationery at £20 . . . . .	60
,, for a Clerk at £50 . . . . .	150
Clerk of the Peace for the County of Beaufort . . . . .	350
,,     ,,     ,,     Somerset . . . . .	350
,,     ,,     ,,     Graaff Reinet . . . . .	350
,,     ,,     ,,     Albany . . . . .	350
,,     ,,     ,,     Uitenhage . . . . .	350
,,     ,,     ,,     George . . . . .	350
Six Clerks to the Clerks of the Peace at £120 per annum each . . . . .	720
Four Interpreters at £100 per annum . . . . .	400
Four Messengers at £50 per annum with fees . . . . .	200
	—
	£13,140

*Recapitulation.*

Judicial Establishment of the Western Province . . . . .	£19,980
,,     ,,     Eastern Province . . . . .	13,140
Total . . . . .	£33,120

[Annexure 14 to above.]

*Church Establishment of the Cape of Good Hope.*

## WESTERN PROVINCE.

Colonial Chaplain in Cape Town . . . . .	£700
Clerk . . . . .	45
Sexton . . . . .	30
Organist . . . . .	30
	—
Senior Minister of the Reformed Church . . . . .	400
Two Ministers of do. at £300 . . . . .	600
Organist . . . . .	30
2 Clerks at £45 each . . . . .	90
Sexton . . . . .	30
	—
Minister of the Lutheran Church . . . . .	200
Clerk . . . . .	45
Sexton . . . . .	30
Organist . . . . .	30
	—
Carried forward . . . . .	£2,260

Brought forward . . . . .	£2,260
Roman Catholic priest in Cape Town . . . . .	200
Chaplain at Wynberg . . . . .	200
Clerk . . . . .	30
Sexton . . . . .	20
	—
Chaplain at Simons Town . . . . .	400
Clerk . . . . .	45
Sexton . . . . .	30
	—
Minister of the Reformed Church at Somerset (Hots. Hd.) . . . . .	475
Clerk . . . . .	200
Sexton . . . . .	30
	—
Minister of the Reformed Church at Tigerberg . . . . .	250
Clerk . . . . .	30
Sexton . . . . .	20
	—
One Minister of the Reformed Church at Stell- lenbosch . . . . .	580
One additional do. do. . . . .	300
Clerk . . . . .	200
Sexton . . . . .	30
Organist . . . . .	20
	—
Minister of the Reformed Church at the Paarl . . . . .	30
Clerk . . . . .	200
Sexton . . . . .	30
Organist . . . . .	20
	—
Minister of the Reformed Church at Zwartland . . . . .	280
Clerk . . . . .	200
Sexton . . . . .	30
	—
Minister at Clanwilliam . . . . .	250
Clerk . . . . .	20
Sexton . . . . .	30
	—
Minister of the Reformed Church at Tulbagh . . . . .	250
Clerk . . . . .	20
Sexton . . . . .	30
	—
Minister of the Reformed Church at Worcester . . . . .	300
Clerk . . . . .	200
Sexton . . . . .	30
	—
Carried forward . . . . .	250
	—
	£5,595

<b>Brought forward . . . . .</b>	<b>£5,595</b>
<b>Minister of the Reformed Church at Caledon .</b>	<b>200</b>
<b>Clerk . . . . .</b>	<b>30</b>
<b>Sexton . . . . .</b>	<b>20</b>
	<b>—</b>
<b>Minister of the Reformed Church at Swellendam .</b>	<b>250</b>
<b>Clerk . . . . .</b>	<b>30</b>
<b>Sexton . . . . .</b>	<b>20</b>
	<b>—</b>
<b>Establishment of the Western Province . . .</b>	<b>300</b>
	<b>—</b>
	<b>£6,145</b>

**EASTERN PROVINCE.**

<b>Minister of the Reformed Church at Beaufort</b>	<b>200</b>
<b>Clerk . . . . .</b>	<b>30</b>
<b>Sexton . . . . .</b>	<b>20</b>
	<b>—</b>
<b>Minister of the Reformed Church at Graaff Reinet . . . . .</b>	<b>300</b>
<b>Clerk . . . . .</b>	<b>30</b>
<b>Sexton . . . . .</b>	<b>20</b>
	<b>—</b>
<b>Minister of the Reformed Church at Somerset</b>	<b>200</b>
<b>Clerk . . . . .</b>	<b>30</b>
<b>Sexton . . . . .</b>	<b>20</b>
	<b>—</b>
<b>Chaplain at Graham's Town . . . . .</b>	<b>400</b>
<b>Clerk . . . . .</b>	<b>30</b>
<b>Sexton . . . . .</b>	<b>20</b>
	<b>—</b>
<b>Chaplain at Bathurst . . . . .</b>	<b>200</b>
<b>Clerk . . . . .</b>	<b>30</b>
<b>Sexton . . . . .</b>	<b>20</b>
	<b>—</b>
<b>Chaplain at Port Elizabeth . . . . .</b>	<b>200</b>
<b>Clerk . . . . .</b>	<b>30</b>
<b>Sexton . . . . .</b>	<b>20</b>
	<b>—</b>
<b>Minister of the Reformed Church at Uitenhage .</b>	<b>250</b>
<b>Clerk . . . . .</b>	<b>30</b>
<b>Sexton . . . . .</b>	<b>20</b>
	<b>—</b>
<b>Minister of the Reformed Church at George .</b>	<b>200</b>
<b>Clerk . . . . .</b>	<b>30</b>
<b>Sexton . . . . .</b>	<b>20</b>
	<b>—</b>
<b>Establishment for the Eastern Province</b>	<b>£2,350</b>

Total Western Province . . . . .	£6,145
Total Eastern Province . . . . .	2,350
<b>Total Church Establishment . . . . .</b>	<b>£8,495</b>

[Annexure 15 to above.]

### CAPE CORPS.

*Estimate of the Annual Expence of a Corps of Mounted Riflemen.*

1 Major . . . . at 16s. per diem .	£292 per annum.
4 Captains . . . . at 11s. 7d. ,,	845 11 8 ,,
4 Lieutenants . . . . at 6s. 6d. ,,	474 10 0 ,,
4 Ensigns . . . . at 5s. 3d. ,,	383 5 0 ,,
1 Paymaster . . . . at 15s. ,,	273 15 0 ,,
1 Adjutant . . . . at 8s. 6d. ,,	155 2 6 ,,
1 Surgeon . . . . at 11s. 4d. ,,	206 16 8 ,,
1 Quarter Master . . . . at 6s. 6d. ,,	118 12 6 ,,
<b>Total of Pay for Officers . . . .</b>	<b>£2,749 13 4</b>
1 Regimental Sergeant Major at 2s. 6d. per diem .	£45 12 6 per annum
1 Quarter Master Sergeant . at 2s. ,,	36 10 0 ,,
Paymaster Sergeant . at 1s. 4d. ,,	24 6 8 ,,
4 Schoolmaster Sergeants . at 1s. 4d. ,,	97 6 8 ,,
1 Armourer . . . . at 1s. 4d. ,,	24 6 8 ,,
1 Saddler . . . . at 1s. 8d. ,,	30 8 4 ,,
12 Sergeants . . . . at 1s. 4d. ,,	292 0 0 ,,
16 Corporals . . . . at 10d. ,,	243 6 8 ,,
224 Privates . . . . at 6d. ,,	2,044 0 0 ,,
8 Buglers . . . . at 7½d. ,,	94 5 10 ,,
<b>Total Pay for Men . . . .</b>	<b>£2,932 3 4</b>
<b>Total of Pay for Officers and Men . . . .</b>	<b>£5,681 16 8</b>
Rations for 250 Men at 4d. per day . . . .	1,520 16 8
Additional Rations for Women and Children . . . .	1,186 1 8
Clothing for 250 Men at £2 10s. . . .	625 0 0
Forage for 300 Horses at 6d. per day . . . .	2,737 10 0
Farrier's allowance at 1d. for 300 Horses . . . .	456 5 0
Contingencies . . . . .	200 0 0
<b>Total Annual Expence . . . .</b>	<b>£12,407 10 0</b>

The Annual Expence of the present Establishment of the Cape Corps may be stated at £28,000 Sterling.

## [Annexure 16 to above.]

## ENGLISH SCHOOLS.

*Estimate of the Salaries of Schoolmasters in both Provinces.*

## WESTERN PROVINCE.

Three Schoolmasters in Cape Town at £100 per annum each . . . . .	£300
1 Schoolmaster at Wynberg . . . . .	100
1 ,,, Simons Town . . . . .	100
1 ,,, Somerset (H.H.) . . . . .	100
1 ,,, Stellenbosch . . . . .	100
1 ,,, Paarl . . . . .	100
1 ,,, Worcester . . . . .	100
1 ,,, Tulbagh . . . . .	100
1 ,,, Clanwilliam . . . . .	100
1 ,,, Caledon . . . . .	100
1 ,,, Swellendam . . . . .	100
 <b>Total . . . . .</b>	 <b>£1,300</b>

## EASTERN PROVINCE.

1 Schoolmaster at George . . . . .	£100
1 ,,, Uitenhage . . . . .	100
1 ,,, Port Elizabeth . . . . .	100
1 ,,, Port Frances . . . . .	100
1 ,,, Graham's Town . . . . .	100
1 ,,, Bathurst . . . . .	100
1 ,,, Somerset . . . . .	100
1 ,,, Cradock . . . . .	100
1 ,,, Graaff Reinet . . . . .	100
1 ,,, Winterberg . . . . .	100
1 ,,, Beaufort . . . . .	100
 <b>Total . . . . .</b>	 <b>£1,100</b>
 <b>For the Western Province . . . . .</b>	 <b>£1,300</b>
<b>For the Eastern Province . . . . .</b>	<b>1,100</b>
	 <b>£2,400</b>

## [Annexure 17 to above.]

*Police Establishment.*

Superintendent of Police in Cape Town . . . . .	£700
One Clerk . . . . .	150
Gaoler in Cape Town (with fees) . . . . .	100
2 Commandants of the Night Watch (Cape Town) . .	120
40 Watchmen at £27 per annum (at Cape Town) . .	1,080
20 Police Officers at £36 per annum (at Cape Town) . .	720
11 Gaolers in the 2 Provinces at £50 with fees . .	550
30 Police Officers in the two Provinces at £36 . .	1,080
Average annual expence incurred in the maintenance of Criminal Prisoners at Robben Island and in the several Gaols of the Colony . . . . .	2,000
Total . . . . .	£6,500

## [Annexure 18 to above.]

*Estimate of the Salaries to be allowed to Government Agents  
residing with the Caffres and other Tribes on the borders of  
the Colony.*

Three Government Agents to reside in Caffraria with a Salary of £150 Sterling each . . . . .	£450
Two Government Agents with the Griquas and Bechuanas at the above rate of Salary . . . . .	300
One Government Agent to reside with the Bosjesman Tribes on the North-West side . . . . .	150
Total . . . . .	£900

## [Annexure 19 to above.]

*Miscellaneous Expences.*

For the support of such of the Government Slaves about to be emancipated as are incapable of maintaining themselves . . . . .	£750
Average Annual Expences hitherto defrayed by the Country Districts under the name of "Transport" or conveyance of Individuals travelling on the Public Service . . . . .	1,395
Presents to Caffre Chiefs and to other Border Tribes . .	200
Annual Expence to be allowed for keeping the Government Garden in Cape Town in order, to be under the manage- ment of the Superintendent of Public Works . . .	200
The same sum for the Gardens and Grounds attached to the Government House at Newlands . . . . .	200
Pay of the Commandant at Cape Town at 30s. per diem	547
Total . . . . .	£3,292

[Annexure 20 to above.]

*Government Printing Office in Cape Town.*

Superintendent . . . . .	£200
Translator . . . . .	52
Bookkeeper . . . . .	60
	— £312

*English side.*

Johnstone, Printer . . . . .	100
McDougall, Compositor . . . . .	90
Johnstone, Junior, Acting Pressman . . . . .	100
Schoonegevel, Apprentice . . . . .	15
	— 305

*Dutch side.*

Richert, Printer . . . . .	100
Van der Sandt, Compositor . . . . .	90
Richert, Junior, do. . . . .	75
Lotter, Apprentice . . . . .	15
	— 280

*Press Room.*

Pressman, Vacant . . . . .	80
Corpora, Prize Negro . . . . .	36
do. . . . .	22 10s.
do. . . . .	22 10s.
	— 161

*Apprentices.*

John Middlekop . . . . .	18
Simon Torien . . . . .	18
	— 36
A. van der Hare, Messenger . . . . .	22 10
Paper for the <i>Gazette</i> , 90 reams per annum at 33s. per ream. . . . .	148 10
Allowance for wear of Types and Furniture . .	150
Allowance for Repairs &c. per annum . . .	200
Interest on £2,000 the estimated value of Printing Materials at 6 per cent per annum	120
	— 618 10
Balance in favor of the Department . . . . .	838 15
	— £2,573 15
	2 M

<i>Gazettes</i> printed weekly 1050 at 4½d. each amounting per annum to . . . . .	£1,023 15s.
Received from Individuals for Advertisements per annum . . . . .	800 -
Government Advertisements, Minutes, Ordinances, Reports of Charitable and Religious Institutions, &c., estimated per annum at .	250 -
Printed forms for Colonial and other Offices, Circulars, Ordinances, Proclamations, Minutes, &c., per annum, say . . . . .	500 -
	———, £2,573 15

(Signed)      GEORGE MARSH, Superintendent.

18th August 1826.

[Annexure 21 to above.]

*Estimate of the Permanent Revenue and Expenditure of both Provinces of the Cape of Good Hope.*

REVENUE.		
Land Revenue (on the final settlement of the Land Rents)		£27,295
Customs . . . . .		20,000
Stamps including Licences . . . . .		20,650
Auction Duty . . . . .		11,678
Transfer Duty . . . . .		8,102
Post Office Receipts . . . . .		2,200
Orphan Chamber Revenue . . . . .		2,676
Church Revenue . . . . .		2,000
Port Dues . . . . .		1,500
Fees in Public Offices (Civil and Judicial) . . . . .		7,500
Bank: Interest upon the Government's Shares in the proposed Cape Bank . . . . .		2,000
Fines and Penalties . . . . .		500
Assessed Taxes. { Commando Tax . . . . .		6,000
	Tax on Slaves . . . . .	12,000
	Tax on Servants . . . . .	5,000
	Tax on Horses, Carriages &c. . . . .	5,437
		———
		28,437
Miscellaneous Sources of Revenue . . . . .		2,430
		———
Total Revenue . . . . .		£136,968

## EXPENDITURE.

Civil Establishment of the two Provinces . . . . .	£45,820
Judicial Establishment of the two Provinces . . . . .	33,120
Church Establishment . . . . .	8,495
Cape Corps (Mounted Infantry) . . . . .	12,407
Schoolmasters . . . . .	2,400
Post Office (Establishment and Expenditure) . . . . .	5,100
Orphan Chamber Establishment . . . . .	2,645
Pensions . . . . .	9,000
Contingent Expences of Public Offices . . . . .	6,000
Police and Expence of maintaining Prisoners . . . . .	6,500
General Hospitals and Leper Institution . . . . .	4,000
Public Works and Buildings, Repair of Roads, &c. . . . .	8,000
Government Agents with the Border Tribes . . . . .	900
Miscellaneous Expences . . . . .	3,292
Colonial Agent's Salary . . . . .	600
Contribution to the Board of Colonial Audit . . . . .	1,200
<hr/>	
Total Expenditure . . . . .	£149,479
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Permanent Expenditure . . . . .	£149,479
Permanent Revenue . . . . .	136,968
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Permanent Deficiency . . . . .	12,511
Temporary Deficiency in the Land Revenue . . . . .	18,000
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Present Deficiency . . . . .	£30,511

[Annexure 22 to above.]

## *Taxes to be repealed.*

### *Estimated produce of the proposed Assessed Taxes :—*

<b>Commando Tax</b>	.	.	.	.	.	£	€,000
<b>Tax on Slaves</b>	.	.	.	.	.	12,000	
<b>Tax on Servants</b>	.	.	.	.	.	5,000	
<b>Tax on Carriages, &amp;c.</b>	.	.	.	.	.	5,437	
					:	—	£28,437

## [Annexure 23 to above.]

*Pension List.*

Amount of Pensions now charged upon the Revenue of the Colony . . . . .	£3,098
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Pensions that may be expected to become immediately  
chargeable, viz. :—

The Chief Justice . . . . .	£800
Mr. Hiddingh, Member of the Court of Justice . . . . .	200
Mr. Neethling do. . . . .	200
Mr. Fleck do. . . . .	200
Mr. Truter do. . . . .	200
Mr. Brand do. . . . .	200
Mr. Denyssen, His Majesty's Fiscal . . . . .	400
Mr. Dashwood, Collector of Customs at Simons Town and formerly Receiver General and President of the Bank . . . . .	300
Mr. McCarthy, Colonial Paymaster . . . . .	250
Mr. Marshall, President of the Government Bank . . . . .	250
Mr. Maasdorp, Director of the Bank . . . . .	100
Mr. Schönnberg, Sequestrator . . . . .	200
Mr. Klerck, Collector of Tithes . . . . .	200
Mr. Lind, Deputy Fiscal . . . . .	150
Mr. Auret, Deputy Superintendent of Police . . . . .	75
Mr. Cloete, late Wharf Master . . . . .	75
Mr. Truter, Secretary to the Burgher Senate . . . . .	100
Mr. Frouenfelder, Cashier of the Lombard Bank . . . . .	75
Mr. Bergh, Vice President of the Orphan Chamber . . . . .	100
Mr. Overbeek, Member of do. . . . .	75
Mr. Munnik , do. . . . .	75
Mr. Kuys , do. . . . .	75
Superannuated Clerks and other Public Servants whose employment will cease upon the introduction of the proposed judicial system . . . . .	1,602
	£9,000
Pensions now charged . . . . .	£3,098
Pensions likely to become immediately chargeable . . . . .	5,902
	£9,000

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